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STRENGTHENING CAREER AND TECHNICAL EDUCATION
FOR THE 21ST CENTURY ACT

DECEMBER 19, 2018.—Ordered to be printed

Mr. ALEXANDER, from the Committee on Health, Education, Labor,
and Pensions, submitted the following

REPORT

[To accompany S. 3217]

[Including cost estimate of the Congressional Budget Office]

The Committee on Health, Education, Labor, and Pensions, reported an original bill (S. 3217) to reauthorize the Carl D. Perkins Career and Technical Education Act of 2006, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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I. PURPOSE, NEED FOR LEGISLATION, AND GOALS
OF REAUTHORIZATION

The Strengthening Career and Technical Education for the 21st Century Act is a comprehensive reauthorization of the Carl D. Perkins Career and Technical Education Act of 2006 (CTE) that reflects bipartisan consensus among members of the Senate on necessary improvements to the law.

These improvements will allow more students to attain the education and skills required to succeed in high-skill, high-wage, or in-demand occupations. This bill ensures the collaboration between States and local programs, the business community, and workforce development systems so that CTE programs are meeting the needs of the local economy. The bill also makes improvements to program accountability to ensure the quality of programs and student success.

This bill updates the law to reflect recent legislative changes in education and workforce policy. In 2015, Congress passed the Every Student Succeeds Act (ESSA), a bill to reauthorize the Elementary and Secondary Education Act of 1965 (ESEA). In 2014, Congress passed the Workforce Innovation and Opportunity Act (WIOA), a bill succeeding the Workforce Investment Act as the Nation's primary Federal workforce legislation. The bill aligns with these laws so that there is consistency across Federal education and workforce laws, allowing grant recipients to more easily comply with Federal laws.

II. LEGISLATIVE HISTORY AND COMMITTEE ACTION

COMMITTEE CONSIDERATION

On June 26, 2018, the committee held an executive session to consider an original bill to reauthorize the Carl D. Perkins Career and Technical Education Act.

Amendments Offered and Subsequently Withdrawn

1. Senator Murkowski offered then withdrew an amendment to require each eligible agency to consult with the State agency responsible for supervision of campuses of post-secondary institutions that are engaged in providing post-secondary career and technical education as part of their mission in developing the State plan.

2. Senator Cassidy offered then withdrew an amendment to support coding education.

3. Senator Burr offered then withdrew an amendment to adjust the State allotments.

4. Senator Young offered then withdrew an amendment to amend the charter of the Future Farmers of America, and for other purposes.

III. EXPLANATION OF BILL AND COMMITTEE VIEWS

The Strengthening Career and Technical Education for the 21st Century Act is a comprehensive reauthorization of the Carl D. Perkins Career and Technical Education Act of 2006 (CTE). This report explains the views of the committee on updates to the law.

DEFINITIONS

The committee bill updates important definitions.

Career and Technical Education

The bill revises the definition of “career and technical education” to support alignment with the Elementary and Secondary Education Act of 1965 and the Workforce Innovation and Opportunity Act. The updated definition includes the term “recognized post-sec-

ondary credential” to align with other Federal education and workforce laws. The definition retains the focus on industry-recognized credentials, certificates, and associate degrees. This updated definition also supports work-based learning, career exploration, and coordination between secondary and post-secondary programs.

Eligible Institution

The bill maintains the definition of an “eligible institution,” but changes the order to include as a consortium of two or more of the entities as listed first in the text of the bill rather than last. The bill also adds two new entities, the first being an Indian Tribe, Tribal organization, or Tribal education agency that operates a school or may be present in the State, and the second being a tribally controlled college or university. As the eligible institution definition is used in the distribution of funds for post-secondary education programs, the committee notes that the definition of eligible institution includes 4-year institutions, but funds should not be used for baccalaureate or post-baccalaureate programs offered at that institution.

Out-of-Workforce Individual

The bill updates the term “displaced homemaker” with the term “out-of-workforce individual.” The definition in the bill includes individuals defined as “displaced homemakers” under the Workforce Innovation and Opportunity Act. Out-of-workforce individuals are also a special population under this bill.

Program of Study

In defining “program of study,” the committee intends for this provision to provide students with strong experience in, and a comprehensive understanding of, all aspects of an industry throughout a student’s program of study. In addition, the committee notes that a secondary education should provide a seamless transition into post-secondary programs. When referring to “multiple entry and exit points that incorporate credentialing,” the committee intends for programs of study to provide opportunities for students to obtain portable and stackable credentials throughout the course of their education, careers, and progression through career pathways.

Recognized Post-Secondary Credential

The bill uses the Workforce Innovation and Opportunity Act definition for this term to standardize it across Federal education and workforce laws. The committee does not intend for this addition to allow funds provided under this Act to support the attainment of baccalaureate degrees, but instead to support CTE programs and programs of study integrated into career pathways aligned with workforce and education systems.

Special Populations

The committee intends for the Department to interpret foster care within the special populations definition as a 24-hour substitute care for children placed away from their parents or guardians and for whom the title IV–E agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emer-

agency shelters, residential facilities, child care institutions, and preadoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the State, Tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching for any payments that are made.

The committee intends for an eligible agency or eligible recipient to report on special populations served. The committee recognizes that eligible agencies and eligible recipients may not serve every special population, and for reporting requirements in this bill they shall simply State when they do not serve a special population. For example, an institution of higher education that does not serve a child in foster care should indicate that in reporting.

PROHIBITIONS

The bill maintains and updates the Carl D. Perkins Career and Technical Education Act of 2006 prohibitions related to standards, curriculum, program of instruction, and instructional content. The bill also includes a “Notice to Congress” that requires the Secretary provide a notice of intent to issue a proposed rulemaking to Congress 15 days prior to issuing such notice under the Strengthening Career and Technical Education for the 21st Century Act. The Secretary must also provide Congress with an opportunity to make comments on the proposed rulemaking prior to issuing the notice. In addition, the Secretary must also include and seek to address all comments submitted by Congress during this 15-day review period in the public record for the regulation published in the Federal Register. Language is included to clarify that this congressional notice requirement does not affect the applicability or interpretation of the Congressional Review Act or the Administrative Procedure Act. The committee intends for this provision to provide additional clarity to the issuance of regulations by the Secretary and an opportunity for Congress to provide comment to clarify intent of the law, but this provision does not prohibit the Secretary from pursuing the regulatory process nor permit Congress to delay a proposed regulation.

TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

PART A—ALLOTMENT AND ALLOCATION

Reservations and State Allotment

The bill maintains current reservations of funding for Native American Programs and Tribally controlled post-secondary career and technical institutions. Further, the State allotment for foundational grants updates the hold harmless provision in current law to use the amount that a State received in fiscal year 2018 as a foundational amount. In any fiscal year that Congress provides the same overall programmatic funding as the amount provided in fiscal year 2018, each State shall receive the same amount of funds as it received in fiscal year 2018. In any fiscal year that Congress funds the overall program below the fiscal year 2018 funding level, each State shall receive a proportion of those funds equal to the

proportion of the overall amount it received in fiscal year 2018. In any fiscal year where Congress funds the program higher than the fiscal year 2018 level, a State will receive the same amount of funds it received in fiscal year 2018 plus its share of the funds above the fiscal year 2018 funding level as calculated using a modified current law formula. The new structure maintains small State protections within the calculation of the additional funds.

Within State Allocation

The bill would increase the amount of funds available for the State reserve fund from 10 percent to 15 percent of the State allotment for grant awards to eligible recipients for CTE activities. It would further increase the maximum percentage of funds to be used to support individuals in State institutions from 1 percent to 2 percent and adds a provision to require an eligible agency to use funds made available for State leadership activities to support the recruitment of special populations to CTE programs. Finally, the measure would update the use of the reserve fund to allow an eligible agency to award grants to recipients in rural areas, areas with high numbers or percentages of CTE concentrators or CTE participants, or to areas with gaps and disparities in performance between all students served under this bill and any subgroup or special population. Consistent with Perkins IV, the committee does not intend for an eligible agency to only award grants to recipients who simultaneously meet all three criteria described above. For example, an eligible agency would meet the requirements of the law by making an award solely to recipients in rural areas.

The bill includes a new reservation of State leadership activity funds under this section to recruit special populations that is inclusive of the recruitment of individuals with disabilities at the secondary and post-secondary levels. Inclusion of individuals with disabilities in high-quality CTE programs can improve educational and career outcomes for all students. In carrying out this provision, eligible agencies, should include the recruitment of students with disabilities to ensure they are afforded equal opportunity to enter into programs of study, particularly at the secondary level, that lead to high-wage, high-skill or in-demand employment or post-secondary education and training. Funds may be used to recruit potential students with disabilities and to make family members, community members, and program personnel aware of the emphasis on recruiting students with disabilities.

Accountability

CTE Concentrators

This bill establishes a definition of a “CTE Concentrator” in law to clarify how States report student results for the accountability system under Perkins. Accountability under this bill will only apply to the all “CTE concentrators” group, as a single group, defined at the secondary school level as a student who has completed at least two courses in a single career and technical program or program of study. At the post-secondary level, a “CTE concentrator” is a student who has enrolled in at least 12 cumulative credits within a career and technical education program or program of study, or any student who has completed a career and technical education pro-

gram or program of study if the program encompasses fewer than 12 credits or the equivalent in total.

Indicators of Performance

This bill updates requirements that eligible agencies identify core indicators of performance for both the secondary and post-secondary level in their State plan. At the secondary level, the eligible agency must include, at a minimum, five core indicators of performance. The bill has specific requirements for four of these core indicators, but provides the eligible agency options when choosing the remaining required core indicator.

For the fourth required core indicator of performance, eligible agencies serving students at the secondary level must choose one of three indicators of career and technical education program quality that include graduating from high school having:

- (1) attained a recognized post-secondary credential,
- (2) attained post-secondary credits in relevant CTE programs or programs of study through dual or concurrent enrollment, or
- (3) having participated in work-based learning.

The eligible agency is only required to choose one of the three indicators noted above, and when setting levels, eligible agencies and eligible recipients, if eligible recipients choose to set their own levels pursuant to the Accountability section of the bill, are responsible for setting levels for the State-selected indicators. However they may report on all three indicators. These three options of program quality were included in the bill because they are indicators of high-quality CTE programs, and the committee sees all three elements as inclusive of program quality. The committee recognizes that an eligible agency or eligible recipient may choose to report on all three elements though it is not a requirement of the bill and reporting is distinct from accountability. Additionally, the eligible agency may include any other measure of student success in career and technical education that is statewide, valid, and reliable, and comparable across the State.

Eligible agencies and eligible recipients must also include proficiency on State standards as established under ESSA and as measured by the academic assessments adopted under that same law as one of the core indicators for all CTE concentrators. The committee expects for the same academic standards and proficiency levels adopted under ESSA to be used in the statewide accountability system established under this bill for all CTE concentrators.

The fifth indicator of performance measures CTE concentrator participation in non-traditional fields, meaning their enrollment and participation in programs or programs of study that lead to occupations where one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

State Determined Levels of Performance

This bill maintains and updates requirements that eligible agencies identify core indicators of performance for both the secondary and post-secondary level in their State plan. The eligible agencies will set their own State-determined levels of performance for the core indicators of performance for both the secondary and post-secondary level in their State plan. An eligible agency may request

technical assistance from the Secretary in setting these levels if the eligible agency chooses.

Under current law, eligible agencies set levels of performance for each of the core indicators of performance through negotiations with the Secretary of Education. Under this bill, eligible agencies will set their own State-determined levels of performance and no longer negotiate with the Secretary as they establish State-determined levels of performance. The eligible agency may request technical assistance from the Secretary. However, the Secretary may disapprove an eligible agency's plan if the overall plan fails to meet the requirements of the bill or if the State-determined levels of performance do not meet specific requirements in the bill, which include, at a minimum, that:

(1) the State-determined levels of performance are expressed in a percentage or numerical form;

(2) the State continually make meaningful progress toward improving the performance of all "CTE Concentrators", subgroups, and special populations;

(3) the levels of performance are subject to a public comment period and the eligible agency includes responses to those comments in the State plan;

(4) when adjusting, the State takes into account how the levels of performance compare with other States; and

(5) the levels of performance take into account the extent to which the levels of performance advance the eligible agency's goals, as set forth in the State plan.

The Secretary cannot set a level of performance, but can disapprove a plan if an eligible agency does not meet the minimum requirements of the bill.

The committee intends for eligible agencies to continue current practice and set different performance levels, as appropriate, for each secondary and post-secondary core indicator. Once the eligible agency sets the performance level for the group of all CTE concentrators for each core indicator, then that level must be used for subgroups of students and special populations for such indicator.

This bill maintains the requirement for eligible agencies and eligible recipients to continuously make meaningful progress toward improving the performance of all CTE students as measured under the bill. The committee intends for an eligible agency or an eligible recipient, when adjusting levels of performance as outlined later in this report, to adhere to the requirements of the bill and may lower the projected levels of performance as long as the new levels of performance are higher than the average actual performance of the 2 most recently completed program years.

Eligible recipients are able to accept the State-determined levels of performance for the 4 years of the local application, or they may negotiate different local levels of performance with the eligible agency. If the eligible agency and eligible recipient negotiate the performance level for the group of all CTE concentrators for each core indicator, then that level must be used for subgroups of students and special populations for such indicator. The requirements for setting these levels mirror the eligible agency requirements, with the exception of the public comment requirements. Eligible recipients may also take into account the differences between local

economic conditions, and their ability to collect and access valid, reliable and cost-effective data.

Public Comment

Eligible agencies must continue to consult a variety of stakeholders, as laid out in this bill, in establishing 4 years of performance levels. In addition, at least sixty days prior to the eligible agency's submission of the State plan, the eligible agency must provide these stakeholders and the public with the opportunity to provide written comments about how the levels of performance:

- (1) meet the requirements of the law;
- (2) support the improvement of performance for all CTE concentrators including each subgroup of students and special population; and
- (3) support the needs of the local education and business community.

The stakeholder comments and the eligible agency's response to comments must be included in the State plan prior to the State plan being submitted to the Secretary for approval. The committee intends for this public comment period to be a process that provides helpful information to eligible agencies for setting accurate and appropriate performance levels.

Allowable Adjustments of State Determined Levels

The eligible agency and eligible recipient may adjust a performance level for a single core indicator or multiple core indicators prior to the third year if it chooses. The committee recognizes that States or local areas may have a different student body over time than they anticipated when creating their levels for the 4 years of their plan. When adjusting levels after the first 2 years, eligible agencies must take into account how the levels of performance involved compare with other States, however, the committee recognizes that actual student populations vary by States and that variation may be considered when making these comparisons. If an eligible agency or eligible recipient adjusts performance levels, they must set the adjusted level for a core indicator in a percentage or numerical form that is higher than the average actual performance level of the 2 most recently completed program years. However, an eligible agency or the eligible recipient may also revise their levels of performance if they experience unanticipated circumstances (such as a natural disaster or significant change in economic conditions) or documented implementation of improved data collection or measurement approaches that result in demonstrable variations in performance data. The Secretary approves the revisions as outlined in the Plan Approval section of the bill. Eligible recipients may also take into account the differences between local economic conditions, and their ability to collect and access valid, reliable and cost-effective data when adjusting levels.

A revision due to unanticipated circumstances can happen at the end of any program year. A revision due to unanticipated circumstances does not require the plan to go through the full plan approval process. Rather, after public comment, the eligible agency shall submit the revised levels to the Secretary with evidence supporting the revision. The Secretary shall approve the revision if the revised levels meet the requirements of the law. When levels are

revised due to unanticipated circumstances, the revised levels are not required to be higher than the average level of performance for the 2 most recently completed program years, however revised levels must demonstrate continual meaningful progress toward improvement.

Reports

Under this bill, eligible agencies and eligible recipients will annually prepare and submit reports with data on the actual performance levels of CTE concentrators in the State or local region. The State report is submitted to the Secretary and the Secretary is required to make the information contained in such reports available to the general public. The Secretary must also disseminate State-by-State comparisons of the information in the reports, and provide the appropriate congressional committees with copies of the report. The Secretary currently makes all State plans and reports, including enrollment and performance reports available on its Web site, and the committee intends for that practice to continue. When reporting the actual performance levels for all indicators, the eligible agency and eligible recipient must report the actual performance levels for all of the core indicators for the group of all CTE Concentrators. In addition, the data must be disaggregated by subgroups and special populations. The data must also be disaggregated by career and technical education programs or programs of study of the CTE Concentrators unless impractical, then by the career clusters of the CTE concentrators, and make that information available to the public.

The eligible recipients in each State must submit their reports to the eligible agency, and each eligible recipient must make the report available to the public. The report must include actual performance levels for all of the core indicators for the group of all CTE Concentrators, and also disaggregate that information by subgroup and special populations and by career and technical education programs or programs of study of the CTE Concentrators. Local eligible recipients must also make the reports available through a variety of formats, including electronically to students, parents, educators, and the public in a format that is uniform and understandable, and to the extent practicable, in a language that students, parents, and educators can understand, meaning in multiple languages if appropriate.

In addition to providing information on actual levels of performance for all of the core indicators, the eligible agency and eligible recipients must identify and quantify any disparities or gaps in performance on the State-determined levels of performance between any subgroup or special population as compared to the performance of all CTE concentrators served by the eligible agency under this bill.

This bill requires that in the State or local report, the indicator at the secondary and post-secondary level of the percentage of CTE concentrators who, in the second quarter after exiting from secondary education, are in post-secondary education or advanced training, military service or a service program that receives assistance under title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.), are volunteers as described in section 5(a) of the Peace Corps Act (22 U.S.C. 2504(a)), or are em-

ployed” be disaggregated by outcome. The committee expectation is that for the purposes of accountability, this is treated as a single indicator despite the different outcome types, and that it disaggregated by outcome type only in the State and local reports. This new provision of disaggregated data in the State and local reports is meant to serve as an opportunity for stakeholders to learn more about student placement upon program exit, and to assist eligible recipients in improving their programs based on student placement after program exit.

National Activities

Evaluation and Research

When updating the National Activities section of this bill the committee included a number of provisions aimed at using evidence-based methods to improve CTE programs. Through coordination with the Director of the Institute of Education Sciences, evaluation grants are meant to be used to conduct a series of research and evaluation initiatives for each year for which funds are appropriated to analyze implementation of the Strengthening Career and Technical Education for the 21st Century Act and provide reports to Congress on the results. Additional grants are provided for research and evaluation conducted by institutions of higher education or to a consortium of one or more institutions of higher education and one or more private nonprofit organizations or agencies to evaluate CTE programs, implementation at the State or local level, to identify best practices for sharing, new methods of delivery, and projects to improve CTE at the local, State or national level.

Innovation and Modernization

For the first time, this bill authorizes Innovation and Modernization Grants, which the Secretary may award to State or local partnerships to modernize CTE programs and support innovative partnerships aimed at improving CTE programs or programs of study. While the Secretary is not required to award these grants, the committee intends that they should be awarded any year funds are appropriated to do so.

Innovation and Modernization grants may be awarded to eligible recipients, eligible institutions, or eligible entities. Although eligible agencies and eligible recipients are not explicitly included in the definition of eligible entity, it is the expectation of the committee that both be considered relevant stakeholders for the purposes of this grant. The Secretary may use up to 20 percent of funds appropriated for National Activities to carry out this grant. Grant recipients shall provide matching funds that equal not less than 50 percent of the funds provided under this grant. This can be in cash or in-kind contributions from non-Federal sources. The Secretary may waive this requirement if the applicant demonstrates exceptional circumstances.

The purpose of this grant is to identify and support innovative strategies to improve career and technical education. Grant recipients shall use the funds to improve career and technical education student outcomes and support the alignment and effectiveness of career and technical education. The legislation includes a list of activities for using the grant funds.

For example, a grant recipient may use the funds to support coding or computer science education. The recipient can use the grant funds to establish new programs or expand existing programs that support statewide efforts to increase access and implementation of rigorous courses in these subject areas.

The committee is aware of States or local areas currently implementing online portals for career and technical education students. Those best practices include strong partnerships with local and national entities, incorporation of online platforms that contain information helpful to students in learning about and saving for various career pathways, and the provision of tutoring and mentoring for students.

PART B—STATE PROVISIONS

State Administration

The bill updates the list of individuals that the eligible agency shall engage during required consultation. This list is expanded to include faculty, specialized instructional support personnel, para-professionals, school leaders, authorized public chartering agencies and charter school leaders (consistent with State law), employers, Indian Tribes or Tribal organizations present in the State, and community organizations.

State Plan and Approval

Eligible agencies must submit a State plan for approval in order to receive funding under this bill. The bill updates the stakeholders an eligible agency must consult with in the development of the plan. In addition, among other requirements, an eligible agency must include a description in the State plan of how the eligible agency will address disparities or gaps in performance among subgroups and special populations as compared to the all CTE concentrators group. Further, if the agency has not been able to make meaningful progress in closing those gaps prior to the third program year, the eligible agency must include additional actions it will take to eliminate those disparities or gaps. For example, an eligible agency could indicate that it will analyze data on the core indicators of performance to identify gaps in performance, explain how they will use evidence-based research to develop a plan to provide support and technical assistance to eligible recipients to address and close such gaps, and how they will implement this plan. The eligible agency is not required to submit a new State plan prior to the third program year in order to address this requirement.

When developing the State plan, the eligible agency is also required to consult with the Governor. This is not a new requirement under this legislation, however, the role of the Governor now aligns more closely with the role described under ESSA. Previously, the eligible agency was required to consult the Governor with respect to the development of the plan. This legislation requires consultation to occur during the development of the plan and prior to the submission of the plan to the Secretary. This legislation also includes a provision on joint signature authority.

The Governor shall have 30 days prior to the submission of the State plan to the Secretary to sign such plan. The plan may be sub-

mitted to the Secretary without the signature of the Governor if it is not signed within 30 days. The committee does not intend for this provision to be a requirement of the transition plan.

Not later than 120 days after an eligible agency submits the State plan, the Secretary must approve the plan unless the Secretary finds that the eligible agency has not met the requirements of the bill, including the requirements for setting performance levels described in the bill. If the Secretary determines an eligible agency has not met all of the requirements of the bill, provides notice and supporting information to the eligible agency about such determination, and provides the eligible agency an opportunity for a hearing, the Secretary has the authority to disapprove the eligible agency's plan.

Under current law, States are required to create workforce development plans and career and technical education plans of disparate length. In order to facilitate coordinated planning efforts, the bill allows for States to submit combined plans that meet the requirements of this bill and WIOA, with 4 years as the duration of the plans, consistent with the State plan length established in WIOA.

The committee believes improved alignment of State career and technical education and workforce development planning requirements and permitting States to submit combined plans as a single, unified document will allow States to deliver career and technical education and workforce development services to their students in a seamless manner.

Following the initial 4-year State plan, this legislation provides the eligible agency with the opportunity to submit a subsequent 4-year State plan. If the eligible agency chooses to submit a subsequent 4-year plan, the eligible agency must submit this plan to the Secretary 120 days prior to the end of the period covered by the preceding State plan and meet all the requirements of this bill. If an eligible agency chooses not to submit a subsequent 4-year State plan, they shall submit annual revisions to their State-determined levels of performance. If the eligible agency makes other revisions to the State plan beyond the levels of performance, they shall submit such revisions to the Secretary as the eligible agency determines necessary.

Timeline for Public Comment and Role of Governor

This legislation includes new requirements for the eligible agency to seek and gain public comment from interested parties, which are similar to ESSA requirements for public comment.

These include the following three elements, of which 2 and 3 may occur simultaneously:

1. Requirement for public comment on the State-determined levels of performance.
2. Requirement for public comment on the full State plan.
3. Requirement for consulting the Governor on plan development and providing 30 days to sign the State plan before submission to the Secretary, while maintaining authority for the eligible agency to submit the State plan to the Secretary if the Governor does not sign the plan within 30 days.

Once the eligible agency has determined the levels of performance for each core indicator of performance, the eligible agency shall provide stakeholders, described in the legislation, with the op-

portunity to provide written comments to be included in the State plan submitted to the Secretary. This comment period can begin and end at any time, but must take place at least 60 days prior to the submission of the full State plan. Within the full State plan, the eligible agency shall provide a written response to the comments provided during this period. Only the State-determined levels of performance are required to be made available for public comment 60 days prior to the submission of the plan, however, there is no requirement on the amount of time that the State-determined levels of performance shall be available for public comment. A description of this process is under the accountability section of the bill and described in the Public Comment section of this report.

The bill also provides for a public comment period on the full State plan to the general public. The eligible agency must make the State plan publicly available for comment for a period of not less than 30 days prior to the submission of the plan to the Secretary. The eligible agency must provide assurances within the State plan that these comments were taken into account before submitting the plan. A description of the public comment period on the full State plan process is under the State plan section of the bill.

As described above, the State-determined levels of performance must be made available for public comment 60 days prior to the submission of the plan, and the full plan must be made available for public comment. The plan must also be provided to the Governor for signature 30 days prior to submission. The eligible agency may conduct these requirements during the same time-period.

Improvement plan

The bill maintains a requirement from current law that if an eligible agency fails to meet at least 90 percent of the State-determined level of performance for any core indicator, the eligible agency shall develop and implement a program improvement plan. An eligible agency will only have to develop an improvement plan for each core indicator where the performance of the group of all CTE concentrators does not meet the 90 percent threshold. However, in developing that plan, an eligible agency must analyze any performance gaps and disparities related to subgroups of students and special populations under its improvement plan and must include actions that will be taken to address those gaps and disparities.

The bill also maintains another provision in current law allowing the Secretary to withhold all or a portion of State leadership and State administrative funds provided under this bill from eligible agencies that fail to make an improvement plan for any of the indicators of performance that did not meet the 90 percent threshold. Under current practice, the Secretary uses the data from the year prior to analyze whether an eligible agency should be identified for improvement, as well as the proceeding 2 years of data while the eligible agency or eligible recipient is in improvement. This bill makes clear that the Secretary may withhold funds if the eligible agency fails to meet at least 90 percent of a level of performance for the core indicator or indicators that caused them to go into improvement for 2 consecutive years once they have been identified for improvement. This is the same timeline as current practice. While in improvement, the eligible agency cannot adjust any of its core indicators of performance that are subject to the improvement

plan. The eligible agency may adjust other State-determined levels of performance not under improvement.

The improvement provisions for eligible recipients, including the timeline for withholding funds, largely mirror the eligible agency improvement provisions. Consistent with current law, funds withheld as a result of a sanction for failing to make improvement on any of the core indicators of performance for 2 consecutive years shall be used by the Secretary to provide technical assistance or assist in the development or improvement of the State improvement plan. If an eligible agency withholds funds, the funds go toward providing services and activities that meet the purposes of this bill within the area served by the eligible recipient.

State Leadership Activities

The bill updates the requirements for the uses of funds reserved under this section. The bill maintains the 10-percent setaside for the eligible agency to conduct State leadership activities. Similar to the law prior to this reauthorization, the bill provides a list of required uses of funds as well as permissible uses of funds. This bill includes fewer required uses of funds, with the intent that the eligible agency will be able to meet these requirements when conducting permissible activities. The eligible agency must use the funds reserved under this section to report on the effectiveness of the use of these funds to meet the goals of the State plan, the State-determined levels of performance, and in reducing disparities or performance gaps, and must include support for:

- preparation for non-traditional fields in current and emerging professions, support for programs for special populations, and other activities that expose students, including special populations, to high skill, high wage and in-demand occupations;
- individuals in State institutions, such as State correctional institutions, including juvenile justice facilities, and educational institutions that serve individuals with disabilities;
- recruitment, preparation, or retention of career and technical education teachers, faculty, specialized instructional support personnel, or paraprofessionals, such as preservice, professional development, or leadership development programs; and
- technical assistance for eligible recipients.

The bill provides a list of 25 permissible uses of funds under this section. The eligible agency does not have to conduct any or all of the activities listed as a permissible use of funds. The eligible agency also has the option to use such funds to conduct other activities that they determine will improve career and technical education.

PART C—LOCAL PROVISIONS

Local Application Requirements

Eligible recipients must submit an application for approval in order to receive funding under this bill. In addition to other requirements outlined in this bill, an eligible recipient will need to describe in its local application how it will address disparities or gaps in performance among subgroups and special populations as compared to the group of all CTE concentrators group. In the application, the eligible recipient must also describe the additional actions it will take to eliminate those disparities or gaps if the eligi-

ble recipient has not been able to make meaningful progress in closing those gaps prior to the third program year. For example, an eligible recipient could describe how it will analyze data and use evidence-based research, develop a plan to address and close such gaps, and how this plan will be implemented in a timely manner. The eligible recipient is not required to submit a new application prior to the third program year in order to address this requirement.

Under this bill, eligible recipients will conduct a comprehensive needs assessment prior to their application to inform their initial local application. The needs assessment informs the local application and must include the performance of students served by the eligible recipient and an evaluation of the performance of subgroups and special populations. The needs assessment must describe progress toward implementing high-quality career and technical education programs and programs of study, including strategies to overcome lower rates of access to, or performance gaps in, the courses and programs for special populations. Eligible recipients must also describe the alignment CTE programs offered to State, regional, Tribal, or local in-demand industry sectors and occupations in comprehensive needs assessments. The eligible recipient must update the comprehensive needs assessment not less than every 2 years.

Another component of this section is a new provision on consultation. This bill directs the eligible recipient to involve a diverse body of stakeholders when conducting the comprehensive needs assessment and developing the local application. The bill also requires that the eligible recipient consult with these stakeholders on an ongoing basis as determined appropriate by the eligible agency.

Local Uses of Funds

At the local level, the bill directs each eligible recipient to use the funds to meet the needs identified in the comprehensive needs assessment included in the local application. This section includes requirements for the uses of funds for the eligible recipient. In current law, the Perkins Act includes a list of required and permissible uses of funds at the local level. The bill maintains a list of required uses of funds and includes illustrative options on how to meet the requirements for the uses of funds at the local level.

An eligible recipient is required to support programs and programs of study that result in increasing student achievement. This requirement can be met through activities to improve career and technical education programs. A specific example of such an activity that is included in the bill is for the eligible recipient to support special populations participating in career and technical education to eliminate or reduce out-of-pocket expenses and other costs. For special populations participating in career and technical education programs or programs of study, it is permissible to provide general programs or assistance for activities such as dual or concurrent enrollment programs or early college high school programs, and supporting the costs associated with fees, transportation, child care, or mobility challenges.

When using the term “including” or “such as” throughout this bill, the activities or models provided within the provision are not meant to be exhaustive lists but rather examples to help guide eli-

gible agencies and eligible recipients. For example, in sec. 135(b)(2)(C), when listing the opportunities to advance knowledge, skills, and understanding of all aspects of industry, the list of activities after the term “including” is not meant to be exhaustive but rather a brief demonstration of examples.

Amendments to Other Laws

This bill amends the Wagner-Peyser Act to ensure that eligible agencies and eligible recipients receive relevant information regarding State and local employment opportunities. The committee recognizes effective preparation of students for the workforce requires analysis and use of data regarding current and future labor market demands. This amendment will ensure that eligible agencies and eligible recipients are provided the labor market information needed for career and technical education programs and programs of study, encouraging alignment and coordinated strategies with workforce development services and career and technical education.

IV. REGULATORY IMPACT STATEMENT

The committee has determined that there will be minimal increases in regulatory burden imposed by this bill.

V. APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

The bill reauthorizes and amends the Carl D. Perkins Career and Technical Education Act of 2006 to continue programs primarily offering assistance to States and local educational agencies on behalf of secondary and post-secondary career and technical education students and educators and, as such, has no application to the legislative branch.

VI. COST ESTIMATE

S. 3217—Strengthening Career and Technical Education for the 21st Century Act

Summary: S. 3217 would amend the Carl D. Perkins Career and Technical Education Act of 2006 and reauthorize secondary and post-secondary career and technical education (CTE) programs through fiscal year 2024. The bill would authorize the appropriation of \$6.4 billion over the 2019–23 period, and an additional \$1.3 billion in 2024. Under the General Education Provisions Act, those authorizations would be extended automatically for an additional year through 2025.

CBO estimates that implementing S. 3217 would cost \$4.7 billion over the 2019–23 period, and \$4.3 billion after 2023, assuming appropriation of the authorized amounts.

Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting S. 3217 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

S. 3217 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary effect of S. 3217 is shown in the following table. The costs of the legislation fall within budget function 500 (education, training, employment, and social services).

	By Fiscal Year, in millions of dollars						
	2018	2019	2020	2021	2022	2023	2018–23
INCREASES IN SPENDING SUBJECT TO APPROPRIATION							
Authorization Level	0	1,247	1,264	1,282	1,300	1,318	6,412
Estimated Outlays	0	37	936	1,198	1,277	1,295	4,744

Components do not sum to totals due to rounding.
Some programs have received advance appropriations for fiscal year 2019; those amounts are not reflected in this table. Instead, the table shows the additional appropriations that would be authorized for 2019.

Basis of estimate: CBO assumes that S. 3217 will be enacted near the end of fiscal year 2018. The bill would authorize specific amounts through 2024 and, under the General Education Provisions Act, those authorizations would be extended automatically for an additional year, through fiscal year 2025. Based on historical spending patterns of the current program, and assuming appropriation of the authorized amounts, CBO estimates that implementing the bill would cost \$4.7 billion over the 2019–23 period and an additional \$4.3 billion in years after 2023.

S. 3217 would:

- Authorize the appropriation of specific amounts each year that increase from about \$1.2 billion in 2019 to \$1.3 billion in 2024 for grants to States for vocational programs. The bill would provide States with more flexibility in the uses of funds, adjust State allotment formulas, and amend accountability standards for CTE programs. In 2018, the Congress provided \$1.2 billion for those grants.
- Authorize the appropriation of \$8 million for each of the fiscal years 2019 through 2024 for the Secretary to award grants to create and support CTE programs. The bill also would require the Secretary of Education to consult with the Director of the Institute for Education Sciences for an evaluation of career and technical education activities. In 2018, \$7 million was available for similar activities.
- Authorize the appropriation of \$10 million each year from 2019 through 2024 for tribally controlled CTE programs. In 2018, \$9 million was available for this purpose.

Pay-as-you-go considerations: None.

Increase in long-term direct spending and deficits: CBO estimates that enacting S. 3217 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

Mandates: S. 3217 contains no intergovernmental or private-sector mandates as defined in UMRA.

Previous CBO estimate: On June 5, 2017, CBO transmitted a cost estimate of H.R. 2353, Strengthening Career and Technical Education for the 21st Century Act, as ordered reported by the House Committee on Education and the Workforce on May 17, 2017. The two pieces of legislation contain similar provisions and both would reauthorize CTE programs for 6 years. The differences

in CBO's estimates of the costs of the two pieces of legislation stem from differences in the specified authorization levels and the fiscal years for which the bills would authorize appropriations.

Estimate prepared by: Federal Costs: Leah Koestner; and Mandates: Zachary Byrum.

Estimate reviewed by: Chief, Income Security and Education Cost Estimates Unit: Sheila Dacey; and Deputy Assistant Director for Budget Analysis: H. Samuel Papenfuss.

VII. SECTION-BY-SECTION ANALYSIS

Section 1. Short Title

The short title of the bill is the *Strengthening Career and Technical Education for the 21st Century Act* and the short title of the law will remain the Carl D. Perkins Career and Technical Education Act.

Section 2. Table of Contents

Lists the Table of Contents for the *Strengthening Career and Technical Education for the 21st Century Act*. The legislation is organized into three titles: (1) Career and Technical Education Assistance to the States; (2) General Provisions; and (3) Amendments to Other Laws.

Section 3. References

Except as otherwise expressly provided, an amendment or repeal in this Act will be a reference made to a section or provision of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

Section 4. Effective Date

This Act shall, and the amendments made by this Act, shall take effect beginning July 1, 2019.

Section 5. Table of Contents

Amends the table of contents of the Carl D. Perkins Career and Technical Education Act of 2006.

Section 6. Purpose

Amends section 2 to change the purpose to include the development of academic knowledge and employability skills, as well as increasing opportunities for populations including the chronically unemployed or underemployed, individuals with disabilities, individuals from economically disadvantaged backgrounds, out-of-workforce individuals, youth who are in, or have aged out of the foster care system, racial and ethnic minorities, and homeless individuals. Section 2 is amended to strike references to the Tech Prep program, and include references to programs of study.

Section 7. Definitions

Amends section 3 to update definitions of "Area career and technical education school," "Career and technical education," "Career guidance and academic counseling," "Eligible institution," "Post-Secondary institution," "Special populations," "Support services,"

and “Tribally controlled post-secondary career and technical institution.”

Amends section 3 to add definitions for “Credit transfer agreement,” “CTE Concentrator,” “CTE participant,” “Director,” “Eligible entity,” “English Learner,” “Indian; Indian Tribe,” “Out-of-workforce individual,” “Pay for success initiative,” “Professional Development,” “Program of study,” “Qualified intermediary,” “Tribal organization,” and “Work-based learning”. Adds the following definitions from the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801): “Dual or concurrent enrollment,” “Early College High School,” “Evidence-based,” “High school,” “Paraprofessional,” “Specialized instructional support personnel,” “Specialized instructional support services,” and “Universal design for learning.” Adds the following definitions from the Workforce Innovation and Opportunity Act (29 U.S.C. 3102): “Career pathways,” “In-demand industry sector or occupation,” “Industry or sector partnership,” “Local workforce development board,” “Out-of-school youth,” and “Recognized Post-Secondary Credential.”

Amends section 3 to strike the definitions of “Displaced homemaker,” “Post-Secondary education tech prep student,” “School dropout,” “Scientifically based research,” “Secondary education tech prep student,” and “Tech prep program”.

Section 8. Transition Provisions

Amends section 4 to include the short bill title, and clarifies that the Secretary shall take necessary steps to provide for an orderly transition, and shall give each eligible agency opportunity to submit a transition plan for the fiscal year following enactment.

Section 9. Prohibitions

Amends section 8 to align with the Elementary and Secondary Education Act of 1965 by updating current law prohibitions preventing officers or employees of the Federal Government from mandating, directing, controlling, incentivizing, or making financial support conditioned upon the adoption of specific academic standards or assessments (such as the Common Core State Standards or assessments aligned to such standards), curriculum, program of instruction, or instructional content. Also prevents the Federal Government from providing any priorities or preferences in grant competitions for the adoption of specific standards, curriculum, program of instruction, or instructional content.

Retains language from current law that prohibits an officer or employee of the Federal Government from mandating, directing, or controlling the allocation of State or local resources, and from mandating that a State spend any funds or incur any costs not paid for under this Act.

Amends section 8 to require the Secretary to issue a notice to Congress 15 days prior to issuing a notice of proposed rulemaking under the Strengthening Career and Technical Education for the 21st Century Act and to provide Congress with a comment period of 15 days prior to issuing such notice. The Secretary must also include and seek to address all comments submitted by Congress during this 15-day review period in the public record for the regulation published in the Federal Register. Language is included to clarify that this congressional notice does not affect the applica-

bility of the congressional Review Act or the Administrative Procedure Act.

Section 10. Authorization of Appropriations

Funds authorized to be appropriated for the years 2019 through 2024. The baseline for the levels is set using fiscal year 2018 appropriations levels, and increasing annually at a rate derived from budget cap agreements.

TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

PART A—ALLOTMENT TO THE STATES

Section 110. Reservations and State Allotment

Amends section 111 to create a new funding structure for the State allotment formula that provides a foundational grant to States using the amount a State received in fiscal year 2018. States will receive the same funding level or the same proportion of funds as they received in fiscal year 2018 in any year that Congress appropriates funds equal to or less than the fiscal year 2018 funding level. In years where Congress appropriates funds greater than the fiscal year 2018 level, the funds above the fiscal year 2018 level will be directed to States through the current formula modified to apply only to the additional funds. The new structure maintains small State protections on the additional funds.

Section 111. Within State Allocation

Amends section 112 to increase the amount of funds available for the State reserve fund from 10 percent to 15 percent of the portion of funds that is to be distributed to secondary and post-secondary programs and allows the funding to be used to support career and technical education programs aligned with in-demand industry sectors or occupations or for State-based innovation. Adds a provision to require an eligible agency to use funds made available for State leadership activities to support the recruitment of special populations to CTE programs. Updates the use of the reserve fund to allow an eligible agency to award grants to recipients in rural areas, areas with high numbers or percentages of CTE concentrators or CTE participants, or to areas with gaps and disparities in performance.

Adds juvenile justice facilities to the list of State institutions eligible for funding from the State leadership account and clarifies that State institutions must be correctional or educational. The bill increases the maximum amount of leadership funding States are allowed to spend on these institutions to 2 percent from 1 percent.

Section 112. Accountability

State Determined Performance Measures

Amends section 113 to clarify that levels of performance for core indicators of performance are State-determined, but must meet the requirements established in section 113.

Indicators of Performance

Updates the core indicators of performance for CTE Concentrators at the Secondary and Post-Secondary level to which States will be held accountable.

Core indicators of performance for CTE concentrators at the secondary level include:

(1) The percentage of CTE concentrators who graduate high school, as measured by:

- a. the 4-year adjusted cohort graduation rate (defined in section 8101 of the Elementary and Secondary Education Act of 1965); and
- b. at the State's discretion, the extended-year adjusted cohort graduation rate defined in such section 8101.

(2) CTE concentrator proficiency in the challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, as measured by the academic assessments described in section 1111(b)(2) of such Act.

(3) The percentage of CTE concentrators who, in the second quarter after exiting from secondary education, are in post-secondary education or advanced training, military service or a service program that receives assistance under Title I of the National and Community Service Act of 1990 (42 U.S.C. 12511, et seq.), are volunteers as described in section 5(a) of the Peace Corps Act (22 U.S.C. 2504(a)), or are employed.

(4) Indicators of career and technical education program quality as follows:

- a. That shall include at least one of the following:
 - i. The percentage of CTE concentrators graduating from high school having attained a recognized post-secondary credential.
 - ii. The percentage of CTE concentrators graduating from high school having attained post-secondary credits in the relevant career and technical education program or program of study earned through a dual or concurrent enrollment program or another credit transfer agreement.
 - iii. The percentage of CTE concentrators graduating from high school having participated in work-based learning.
- b. That may include any other measure of student success in career and technical education that is statewide, valid, and reliable, and comparable across the State.

(5) The percentage of CTE concentrators in career and technical education programs and programs of study that lead to non-traditional fields.

Core indicators of performance at the post-secondary level include:

(1) The percentage of CTE concentrators who, during the second quarter after program completion, remain enrolled in post-secondary education, are in advanced training, military service, a service program, are Peace Corps volunteers, or are placed or retained in employment;

(2) The percentage of CTE concentrators who receive a recognized post-secondary credential during participation in or within 1 year of program completion; and

(3) The percentage of CTE concentrators in career and technical education programs and programs of study that lead to non-traditional fields.

State Determined Levels of Performance

Each eligible agency must establish State-determined levels of performance for each of the core indicators of performance for secondary and post-secondary programs. The level of performance established by the State for each of the core indicators shall be the same level for all CTE concentrators. The bill establishes requirements that the levels of performance must meet, including requiring that each State continually make meaningful progress toward improving the performance of all CTE concentrators while taking into consideration special populations, and subgroups of concentrators. These requirements include that State-determined levels of performance, at a minimum:

(1) be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable;

(2) require the State to continually make meaningful progress toward improving the performance of all career and technical education students, including the subgroups of students described in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965, and special populations;

(3) have been subject to the public comment process and the eligible agency has provided a written response;

(4) when being adjusted, take into account how the levels of performance involved compare with the State levels of performance established for other States, considering factors including the characteristics of actual (as opposed to anticipated) CTE concentrators when the CTE concentrators entered the program, and the services or instruction to be provided;

(5) when being adjusted, be higher than the average actual performance of the 2 most recently completed program years, except in the case of unanticipated circumstances that require revisions; and

(6) take into account the extent to which the State-determined levels of performance advance the eligible agency's goals, as set forth in the State plan.

This bill also establishes that the Secretary may assist a State with establishing its levels of performance only at the request of that eligible agency.

Prior to the third program year covered by the State plan, each eligible agency may revise their levels of performance but the adjusted levels must also meet the minimum requirements in the law, including that the adjusted levels be higher than the average actual performance levels of the previous 2 program years.

Each eligible agency must annually prepare and submit a State report to the Secretary. This report must address the State's progress toward its levels of performance and its actual levels of performance for all CTE concentrators, disaggregated by special populations, and subgroups of students.

This section requires that eligible agencies disaggregate data for each of the indicators of performance for all subgroups of students listed in the Elementary and Secondary Education Act of 1965 and

for special populations defined under Perkins and by the career and technical education programs or programs of study of the CTE concentrators, unless impractical, then by the career clusters of the CTE concentrators. Additionally, States must identify and quantify disparities or gaps in performance between subgroups of students and the special populations and all CTE concentrators group.

States are required to annually disseminate actual levels of performance of all CTE concentrators, special populations, and subgroups of students as described above.

Local Levels of Performance

This subsection requires eligible recipients to conform with State-determined levels of performance unless the eligible recipient negotiates with the State to reach agreement on new local levels of performance.

Eligible recipients may adjust their levels of performance in consultation with the eligible agency, but the adjusted level must also meet the requirements in the law, including that the adjusted levels be higher than the average actual performance levels of the previous 2 program years.

Eligible recipients must annually submit to the eligible agency a local report, which shall include data on the local performance levels indicated in the local plan, and the progress of the eligible recipient in achieving the local levels of performance on the core indicators of performance.

This section requires that eligible recipients disaggregate data for each of the indicators of performance for all subgroups of students listed in the Elementary and Secondary Education Act of 1965 and for special populations defined under Perkins and by the career and technical education programs or programs of study of the CTE concentrators, unless impractical, then by the career clusters of the CTE concentrators. Additionally, recipients must identify and quantify disparities or gaps in performance between subgroups of students and the special population and all CTE concentrators group.

Eligible recipients are required to annually disseminate a local report and actual levels of performance of all students, special populations and subgroups of students as described above.

Section 113. National Activities

Amends section 114 to require the Secretary, in consultation with the Director of the Institute for Education Sciences, to collect information on and evaluate the effectiveness of career and technical education, and to establish a single plan for research and evaluation. Amends the evaluation and research functions to research, evaluate or carry out projects on the impact of the Strengthening Career and Technical Education for the 21st Century Act, and to scale evidence based practices. Allows the Secretary to award grants to eligible entities, institutions, or recipients to support evidence-based and innovative strategies to improve and modernize CTE and to align with labor market needs.

Section 114. Assistance for Outlying Areas

Amends section 115 to strike requirements on the use of the remainder of funds reserved under section 111.

Section 115. Native American Programs

Amends section 116 to replace the term “Bureau of Indian Affairs” with “Bureau of Indian Education.” Includes updated terms that align with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

Section 116. Tribally Controlled Post-Secondary Career and Technical Institutions

Amends section 117 to update references to the Navajo Community College Act (Public Law 92–189; 85 Stat. 646) and changes the term “indian tribe” to “Indian Tribe”, as appropriate. Funds authorized to be appropriated for the years 2019 through 2024. The baseline for the levels is set using current appropriations, and increasing annually at a rate derived from budget cap agreements.

Section 117. Occupational and employment information

Section 118 is repealed.

PART B—STATE PROVISIONS

Section 121. State Administration

Amends section 121 to include new stakeholders as part of the consultation process with the eligible agency. The stakeholders include teachers, faculty, specialized instructional support personnel, paraprofessionals, school leaders, authorized public chartering agencies and charter school leaders (consistent with State law), employers, representatives of business, labor organizations, eligible recipients, program administrators, State and local officials, parents, students, and community organizations.

Section 122. State Plan

Amends section 122 to reduce the length of the State Plan from 6 years to 4 years to align with the Workforce Innovation and Opportunity Act and to allow States the option to submit a combined plan. Includes language that provides for a public comment process of at least 30 days prior to the submission of the State plan to the Secretary.

Consultation

Expands current law requirement on consultation with CTE teachers, faculty, and administrators to explicitly include members of and representatives from minority serving institutions and charter schools, as well as school leaders, paraprofessionals, and specialized support personnel, including career and academic guidance counselors, State workforce boards, and business and industry .

Removes the requirement that the eligible agency develop the plan in consultation with Tech Prep representatives, and amends the consultation process to include representatives of Indian Tribes and tribal organizations operating in the State, representatives of organizations that serve out-of-school youth, homeless children and youth, and at-risk youth, members and representatives of special populations, and individuals with disabilities.

Plan Contents

Strikes the plan content requirements under current law and inserts new language. The plan shall include:

(1) a description of State-supported workforce development activities;

(2) the State's strategic vision for an educated and skilled workforce, inclusive of special populations;

(3) a strategy for joint planning, alignment, coordination, and leveraging of funds between education programs and workforce programs, and a description of how CTE will be supported, developed, and improved at the State level;

(4) a description of the career and technical education programs or programs of study that will be supported, developed, or improved at the State level;

(5) a description of the criteria and process for how the eligible agency will approve eligible recipients for funds;

(6) a description of how the eligible agency will support the recruitment and preparation of CTE teachers and all related faculty and staff;

(7) a description of how the eligible agency will use funding for State Leadership Activities in section 124;

(8) a description of how funds received by the eligible agency through the allotment made under section 111 will be distributed;

(9) a description on program strategies in support of special populations and the procedure used for adopting the State-determined levels of performance;

(10) a description of the procedure the eligible agency will adopt for determining State-determined levels of performance;

(11) a description of how the eligible agency will address disparities or gaps in performance;

(12) a description of how the eligible agency will involve required parties, as appropriate, in the planning, development, implementation, and evaluation of career and technical education programs; and

(13) assurances that:

a. the eligible agency will comply with the requirements of this bill;

b. funds will not be used for direct financial benefit to any organization representing the interests of the acquiring entity or the employees of the acquiring entity, or any affiliate of such an organization;

c. funds will be used to promote preparation for high-skill, high-wage, or in-demand industry sectors or occupations and non-traditional fields;

d. funds provided under this bill will be used to implement career and technical education programs and programs of study for individuals in State correctional institutions, including juvenile justice facilities;

e. the eligible agency will provide technical assistance on how to close gaps in student participation and performance in career and technical education programs; and

(14) a description of the opportunities for the public to comment in person and in writing on the State plan.

Plan Approval

Requires the Secretary to approve a plan within 120 days if the plan meets the requirements of the Act. Requires the Secretary to approve the State-determined levels of performance if the levels meet the requirements described under section 113. If the Secretary determines that a State plan does not meet the requirements of the Act, the Secretary must provide the eligible agency notice of this determination in writing and provide the opportunity for a hearing before finally disapproving a plan.

Section 123. Improvement Plans

Amends section 123 to strike language in reference to the agreed upon State adjusted levels of performances, and inserts “State-determined levels of performance.” Requires that a State that fails to meet at least 90 percent of the State-determined level of performance for any of the core indicators of performance for all CTE concentrators develop and implement an improvement plan. Such improvement plan must also include an analysis of performance gaps among subgroups and special populations and actions that will be taken to address those gaps. Maintains the Secretary’s authority to withhold all or part of an eligible agency’s allocation of State leadership or administrative funds if they fail to meet at least 90 percent of the State-determined level of performance for any of the core indicators of performance for 2 consecutive years or fails to implement an improvement plan. As in current law, States maintain the ability to withhold funds from local recipients who fail to make improvements on their improvement plans as described above. Funds withheld from local recipients shall be used for CTE-related activities in the area of the local recipient.

While in improvement, the eligible agency cannot adjust any of its core indicators of performance that are subject to the improvement plan. The eligible agency may adjust other State-determined levels of performance not under improvement. Local improvement reflects these updates.

Under current law, the eligible agency, after notice and opportunity for a hearing, may withhold funds from the eligible recipient, or waive the sanctions due to exceptional circumstances. This bill amends section 123 to allow for a waiver in response to public request from an eligible recipient, so long as the eligible recipient meets the conditions for a waiver established in the bill.

Section 124. State Leadership Activities

Amends section 124 to remove the required uses of funds for State leadership activities. Under the General Authority for the amounts reserved for State leadership activities, each eligible agency must provide support for preparation for non-traditional fields, support for individuals in State institutions, support for recruiting, preparing, or retaining career and technical education educators, and to provide technical assistance to local recipients.

Amends section 124 to include additional permissible uses of funds to improve career and technical education through targeted initiatives, such as developing statewide programs of study, articulation agreements, dual or concurrent enrollment programs or competency-based education, and for the adoption and integration of employability skills or recognized post-secondary credentials into

programs of study. Funds can be used to support student success through programs and activities that increase access, student engagement, and success in science, technology, engineering, and mathematics fields; support for the integration of arts and design skills; provide preparation for non-traditional fields; programs for special populations that lead to high-skill, high-wage, or in-demand occupations, and for the improvement of career guidance and academic counseling programs.

State leadership funds could also be used for initiatives such as establishing and supporting statewide sector or industry partnerships; providing high-quality professional development; eliminating inequities in student access and achievement; providing for the creation, implementation, and support of pay-for-success initiatives; identifying licensure or certification requirements that pose a barrier of entry to the workforce for CTE students; partnering with qualified intermediaries; and includes a provision to allow for other State leadership activities that improve career and technical education.

PART C—LOCAL PROVISIONS

Section 131. Distribution of Funds for Secondary Education Programs

Amends section 131 to include CTE programs of study.

Section 132. Special Rules for Career and Technical Education

Amends section 133 to include CTE programs of study.

Section 133. Local Application for Career and Technical Education Programs

Amends section 134 to remove the requirement for a local plan, and replaces it with a local application. Local applications shall include:

- (1) A description of the results of the comprehensive needs assessment;
- (2) Information on the career and technical education course offerings and activities;
- (3) A description of how the eligible recipient, in collaboration with local workforce development boards and other local workforce agencies, will provide career exploration and career development coursework, activities, or services; career information on employment opportunities that incorporate the up-to-date information on in-demand industry sectors or occupations; and career guidance and academic counseling to students;
- (4) A description of how the eligible recipient will improve the academic and technical skills of all students participating in career and technical education programs;
- (5) A description of how the eligible recipient will provide activities to prepare special populations for high-skill, high-wage, or in-demand industry sectors or occupations that will lead to self-sufficiency, prepare CTE participants for non-traditional fields, provide equal access for special populations to career and technical education, and ensure special populations will not be discriminated against on the basis of their status as members of special populations;

- (6) A description of the work-based learning opportunities;
- (7) A description of how programs will provide students with opportunities to gain post-secondary credit while still attending high school;
- (8) A description of how programs will recruit, retain, and train educators; and
- (9) A description of how the eligible recipient will address disparities in performance of subgroups and special populations and if meaningful progress is not made, how they will take additional action to address those disparities.

Includes the requirement for a Comprehensive Needs Assessment that shall be conducted prior to the initial local application, and updated not less than every 2 years, and shall include:

- (1) An evaluation for student performance on the indicators of performance, including an evaluation of performance for special populations and each subgroup;
- (2) A description of the career and technical education program offerings, including that they are sufficient in size, scope, and quality to meet the needs of all students served by the eligible recipient, aligned to in-demand industry sectors or occupations and career pathways, and designed to meet local education or economic needs;
- (3) An evaluation of career and technical education programs of programs of study implementation;
- (4) A description of how the eligible recipient will improve recruitment, retention, and training of career and technical education teachers, faculty, and related staff;
- (5) A description of progress toward implementation of equal access to high-quality career and technical education courses and programs of study for all students, including strategies to overcome barriers that result in lower rates of access to, or performance gaps in, the courses and programs for special populations, providing programs that are designed to enable special populations to meet the local levels of performance, and providing activities to prepare special populations for high-skill, high-wage, or in-demand industry sectors or occupations in competitive, integrated settings that will lead to self-sufficiency.

Includes the requirement for consultation with a diverse body of stakeholders when developing the local application. Continued consultation on an ongoing basis with stakeholders is also required in order to be eligible to receive funding under this Act, which may include consultation in order to:

- (1) provide input on annual updates to the comprehensive needs assessment;
- (2) ensure programs of study are responsive to community employment needs; aligned with employment priorities, informed by labor market information, designed to meet current, immediate or long-term labor market projections; and allow for employer input into the development and implementation of programs of study;
- (3) identify and encourage opportunities for work-based learning; and
- (4) ensure funding under this part is used in a coordinated manner with other local resources.

Section 134. Local Uses of Funds

Amends section 135 by striking the existing 9 required and 20 permissible uses of funds, and inserts six requirements for the uses of funds with flexible options on how to meet these requirements. Requirements for uses of funds include:

- (1) Providing career exploration and career development activities;
- (2) Providing professional development for teachers, faculty, school leaders, administrators, paraprofessionals, and specialized instructional support personnel;
- (3) Provide career and technical education students, including special populations, with the skills necessary to pursue high-skill, high-wage or in-demand industry sectors or occupations;
- (4) Support integration of academic skills into career and technical education program to support students in meeting the challenging academic standards adopted under the Elementary and Secondary Education Act;
- (5) To plan and carry out activities that support increasing student achievement; and
- (6) To evaluate program activities under this section.

Allows for the pooling of a portion of funds received under this Act for the purposes of professional development, and requires that and eligible recipient not use more than 5 percent of such funds for costs associated with the administration of activities under this section.

TITLE II—GENERAL PROVISIONS

PART A—FEDERAL ADMINISTRATIVE PROVISIONS

Section 201. Federal and State Administrative Provisions

Amends section 311 to allow a State, only during the first year after the enactment of this Act, to establish a new fiscal effort baseline per student that is not less than 95 percent of the fiscal effort per student for the first full fiscal year of the Act.

Amends section 314 to strike “career path or major” and insert “career pathway or program of study.”

Amends section 315 to say that no funds may be used to provide CTE programs or CTE programs of study to students prior to the “middle grades”, as defined in the Elementary and Secondary Education Act of 1965 (U.S.C. 7801), clarifying that middle school students starting at grade 5 now may be CTE students.

Amends section 317 to include “CTE programs of study” as an allowable use of funds. Strikes title II on Tech Prep and redesignates title III as title II.

Inserts section 219, as redesignated, for the “Study on Programs of Study Aligned to High-Skill, High-Wage Occupations.” Requires the Comptroller General to conduct a study to evaluate the practices used by eligible agencies or recipients receiving funding to successfully assist students in pursuing and completing programs of study aligned to high-skill, high-wage occupations and any subgroup of students in high-skill, high-wage occupations in fields in which that subgroup is underrepresented. Additionally, the Comptroller General must identify challenges associated with replication of these practices and must consult with stakeholders in carrying

out the study. The Comptroller General shall submit the study to the HELP Committee and the Committee on Education and the Workforce.

PART B—STATE ADMINISTRATIVE PROVISIONS

TITLE III—AMENDMENTS TO OTHER LAWS

Section 301. State Responsibilities

Amends section 15(e)(2) of the Wagner-Peyser Act to require the State to consult with the eligible agency under this Act, the State educational agency, and local educational agencies to provide workforce and labor market information necessary to meet the needs of secondary and post-secondary school students, and to annually inform the development and implementation of programs of study and career pathways.

Section 302. Amendments to the Elementary and Secondary Education Act of 1965

Amends section 1111(h)(1)(C)(xiv) of the Elementary and Secondary Education Act of 1965 to conform with the updated accountability requirements under this Act.

Amends section 6115(b)(6) and section 6304(a)(3)(K) of the Elementary and Secondary Education Act of 1965 to strike references to the Tech Prep program.

Section 303. Amendment to the Workforce Innovation and Opportunity Act

Amends Section 134(c)(2)(A)(vii) of the Workforce Innovation and Opportunity Act by replacing the term “school dropouts” with “out-of-school youth”.

Sections in the bill with no changes to current law or changes limited to updating the section number:

Section 5. Privacy

Section 6. Limitation

Section 7. Special Rule

Section 132. Distribution of Funds for Post-Secondary Education Programs

Section 312. Authority to Make Payments

Section 313. Construction

Section 316. Federal Laws Guaranteeing Civil Rights

Section 318. Limitation on Federal Regulations

Section 321. Joint Funding

Section 322. Prohibition on Use of Funds to Induce Out-of-State Relocation of Businesses

Section 323. State Administrative Costs

Section 324. Student Assistance and other Federal Programs

VIII. CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

* * * * *

CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT OF 2006

* * * * *

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Carl D. Perkins Career and Technical Education Act of 2006”.

[(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- [Sec. 1. Short title; table of contents.
- [Sec. 2. Purpose.
- [Sec. 3. Definitions.
- [Sec. 4. Transition provisions.
- [Sec. 5. Privacy.
- [Sec. 6. Limitation.
- [Sec. 7. Special rule.
- [Sec. 8. Prohibitions.
- [Sec. 9. Authorization of appropriations.

[TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

[PART A—ALLOTMENT AND ALLOCATION

- [Sec. 111. Reservations and State allotment.
- [Sec. 112. Within State allocation.
- [Sec. 113. Accountability.
- [Sec. 114. National activities.
- [Sec. 115. Assistance for the outlying areas.
- [Sec. 116. Native American programs.

- [Sec. 117. Tribally controlled postsecondary career and technical institutions.
- [Sec. 118. Occupational and employment information.

[PART B—STATE PROVISIONS]

- [Sec. 121. State administration.
- [Sec. 122. State plan.
- [Sec. 123. Improvement plans.
- [Sec. 124. State leadership activities.

[PART C—LOCAL PROVISIONS]

- [Sec. 131. Distribution of funds to secondary education programs.
- [Sec. 132. Distribution of funds for postsecondary education programs.
- [Sec. 133. Special rules for career and technical education.
- [Sec. 134. Local plan for career and technical education programs.
- [Sec. 135. Local uses of funds.

[TITLE II—TECH PREP EDUCATION]

- [Sec. 201. State allotment and application.
- [Sec. 202. Consolidation of funds.
- [Sec. 203. Tech prep program.
- [Sec. 204. Consortium applications.
- [Sec. 205. Report.
- [Sec. 206. Authorization of appropriations.

[TITLE III—GENERAL PROVISIONS]

[PART A—FEDERAL ADMINISTRATIVE PROVISIONS]

- [Sec. 311. Fiscal requirements.
- [Sec. 312. Authority to make payments.
- [Sec. 313. Construction.
- [Sec. 314. Voluntary selection and participation.
- [Sec. 315. Limitation for certain students.
- [Sec. 316. Federal laws guaranteeing civil rights.
- [Sec. 317. Participation of private school personnel and children.
- [Sec. 318. Limitation on Federal regulations.

[PART B—STATE ADMINISTRATIVE PROVISIONS]

- [Sec. 321. Joint funding.
- [Sec. 322. Prohibition on use of funds to induce out-of-state relocation of businesses.
- [Sec. 323. State administrative costs.
- [Sec. 324. Student assistance and other Federal programs.]

* * * * *

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THE STATES*

PART A—ALLOTMENT AND ALLOCATION

- Sec. 111. Reservations and State allotment.*
- Sec. 112. Within State allocation.*
- Sec. 113. Accountability.*
- Sec. 114. National activities.*
- Sec. 115. Assistance for the outlying areas.*
- Sec. 116. Native American programs.*
- Sec. 117. Tribally controlled postsecondary career and technical institutions.*

PART B—STATE PROVISIONS

- Sec. 121. State administration.*
- Sec. 122. State plan.*
- Sec. 123. Improvement plans.*
- Sec. 124. State leadership activities.*

PART C—LOCAL PROVISIONS

- Sec. 131. Distribution of funds to secondary education programs.*
- Sec. 132. Distribution of funds for postsecondary education programs.*
- Sec. 133. Special rules for career and technical education.*
- Sec. 134. Local application for career and technical education programs.*
- Sec. 135. Local uses of funds.*

TITLE II—GENERAL PROVISIONS

PART A—FEDERAL ADMINISTRATIVE PROVISIONS

- Sec. 211. Fiscal requirements.*
- Sec. 212. Authority to make payments.*
- Sec. 213. Construction.*
- Sec. 214. Voluntary selection and participation.*
- Sec. 215. Limitation for certain students.*
- Sec. 216. Federal laws guaranteeing civil rights.*
- Sec. 217. Participation of private school personnel and children.*
- Sec. 218. Limitation on Federal regulations.*
- Sec. 219. Study on programs of study aligned to high-skill, high-wage occupations.*

PART B—STATE ADMINISTRATIVE PROVISIONS

- Sec. 221. Joint funding.*
- Sec. 222. Prohibition on use of funds to induce out-of-State relocation of businesses.*

Sec. 223. State administrative costs.

Sec. 224. Student assistance and other Federal programs.

* * * * *

SEC. 2. PURPOSE.

The purpose of this Act is to develop more fully the [academic and career and technical skills]*academic knowledge and technical and employability skills* of secondary education students and post-secondary education students who elect to enroll in career and technical education programs *and programs of study*, by—

(1) building on the efforts of States and localities to develop challenging academic and technical standards and to assist students in meeting such standards, including preparation for high skill, high wage, or [high demand occupations]*in-demand occupations* in current or emerging professions;

(2) * * *

(3) increasing State and local flexibility in providing services and activities designed to develop, implement, and improve career and technical education[, including tech prep education];

(4) conducting and disseminating national research and disseminating information on best practices that improve career and technical education programs *and programs of study*, services, and activities;

* * * * *

(6) supporting partnerships among secondary schools, post-secondary institutions, baccalaureate degree granting institutions, area career and technical education schools, local workforce investment boards, business and industry, and intermediaries; [and]

(7) providing individuals with opportunities throughout their lifetimes to develop, in conjunction with other education and training programs, the knowledge and skills needed to keep the United States competitive[.]; *and*

(8) *increasing the employment opportunities for populations who are chronically unemployed or underemployed, including individuals with disabilities, individuals from economically disadvantaged families, out-of-workforce individuals, youth who are in, or have aged out of, the foster care system, and homeless individuals.*

* * * * *

SEC. 3. DEFINITIONS.

Unless otherwise specified, in this Act:

(1) ADMINISTRATION.—* * *

(2) ALL ASPECTS OF AN INDUSTRY.—The term “all aspects of an industry” means strong experience in, and comprehensive understanding of, the industry that the individual is preparing to enter[, including information as described in section 118].

(3) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term “area career and technical education school” means—

(A) * * *

(B) the department of a public secondary school exclusively or principally used for providing career and tech-

nical education in not fewer than **5** different occupational fields to individuals **3** *different fields, especially in in-demand industry sectors or occupations, that are available to all students* who are available for study in preparation for entering the labor market;

* * * * *

(D) the department or division of an institution of higher education, that operates under the policies of the eligible agency and that provides career and technical education in **not fewer than 5** different occupational fields *not fewer than 3 different occupational fields* leading to immediate employment but not necessarily leading to a baccalaureate degree, if the department or division admits, as regular students, both individuals who have completed secondary school and individuals who have left secondary school.

* * * * *

(5) CAREER AND TECHNICAL EDUCATION.—The term “career and technical education” means organized educational activities that—

(A) offer a sequence of courses that—

[(i) provides individuals with coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions;]

(i) provides individuals with rigorous academic content and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions, including in in-demand industry sectors or occupations, which shall be, at the secondary level, aligned with the challenging State academic standards adopted by a State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965;

(ii) provides technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree *or a recognized postsecondary credential, which may include an industry-recognized credential, a certificate, or an associate degree; and*

(iii) may include prerequisite courses (other than a remedial course) that meet the requirements of this subparagraph; [and]

(B) include competency-based, work-based, or other applied learning that [contributes to the] *supports the development of* academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, **[general]** employability skills, technical skills, and occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of an individual **[.];**

(C) to the extent practicable, coordinate between secondary and postsecondary education programs through programs of study, which may include articulation agreements, early college high school programs, dual or concur-

rent enrollment program opportunities, or other credit transfer agreements that provide postsecondary credit or advanced standing; and

(D) may include career exploration at the high school level or as early as the middle grades (as such term is defined in section 8101 of the Elementary and Secondary Education Act of 1965).

* * * * *

(7) CAREER GUIDANCE AND ACADEMIC COUNSELING.—The term “career guidance and academic counseling” means guidance and counseling that—

(A) provides access for students [(and parents, as appropriate)]*(and, as appropriate, parents and out-of-school youth)* to information regarding career awareness *exploration opportunities* and planning with respect to an individual’s occupational and academic future; [and]

(B) provides information *to students (and, as appropriate, parents and out-of-school youth)* with respect to career options, [financial aid, and postsecondary options, including baccalaureate degree programs.]*financial aid, job training, secondary and postsecondary options (including associate and baccalaureate degree programs), dual or concurrent enrollment programs, work-based learning opportunities, early college high schools, financial literacy, and support services, as appropriate; and*

(C) *may provide assistance for special populations with respect to direct support services that enable students to persist in and complete career and technical education, programs of study, or career pathways.*

(8) CAREER PATHWAYS.—*The term “career pathways” has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).*

[(8)](9) CHARTER SCHOOL.—* * *

[(9)](10) COOPERATIVE EDUCATION.—The term “cooperative education” means a method of education for individuals who, through written cooperative arrangements between a school and employers, receive instruction, including required rigorous and challenging academic courses and related career and technical education instruction, by alternation of study in school with a job in any occupational field, which alternation—

(A) * * *

* * * * *

(11) CREDIT TRANSFER AGREEMENT.—*The term “credit transfer agreement” means a formal agreement, such as an articulation agreement, among and between secondary and postsecondary education institutions or systems that grant students transcribed postsecondary credit, which may include credit granted to students in dual or concurrent enrollment programs or early college high school, dual credit, articulated credit, and credit granted on the basis of performance on technical or academic assessments.*

(12) CTE CONCENTRATOR.—*The term “CTE concentrator” means—*

(A) *at the secondary school level, a student served by an eligible recipient who has completed at least 2 courses in a single career and technical education program or program of study; and*

(B) *at the postsecondary level, a student enrolled in an eligible recipient who has—*

(i) *earned at least 12 cumulative credits within a career and technical education program or program of study; or*

(ii) *completed such a program if the program encompasses fewer than 12 credits or the equivalent in total.*

(13) *CTE PARTICIPANT.—The term “CTE participant” means an individual who completes not less than one course or earns not less than one credit in a career and technical education program or program of study of an eligible recipient.*

(14) *DIRECTOR.—The term “Director” means the Director of the Institute of Education Sciences.*

(15) *DUAL OR CONCURRENT ENROLLMENT PROGRAM.—The term “dual or concurrent enrollment program” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.*

(16) *EARLY COLLEGE HIGH SCHOOL.—The term “early college high school” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.*

[(10)] *DISPLACED HOMEMAKER.—The term “displaced homemaker” means an individual who—*

[(A)](i) *has worked primarily without remuneration to care for a home and family, and for that reason has diminished marketable skills;*

[(ii)] *has been dependent on the income of another family member but is no longer supported by that income; or*

[(iii)] *is a parent whose youngest dependent child will become ineligible to receive assistance under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) not later than 2 years after the date on which the parent applies for assistance under such title; and*

[(B)] *is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.】*

[(11)](17) *EDUCATIONAL SERVICE AGENCY.—The term “educational service agency” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.*

[(12)](18) *ELIGIBLE AGENCY.—The term “eligible agency” means a State board designated or created consistent with State law as the sole State agency responsible for the administration of career and technical education in the State or for the supervision of the administration of career and technical education in the State.*

(19) *ELIGIBLE ENTITY.—The term “eligible entity” means a consortium, group, or partnership that includes the following:*

(A) *Representatives of not less than 2 of the following entities, 1 of which shall serve as the fiscal agent for the consortium, group, or partnership:*

(i) A local educational agency or a consortium of such agencies.

(ii) An educational service agency serving secondary school students.

(iii) An area career and technical education school or a consortium of such schools.

(iv) An Indian Tribe, Tribal organization, or Tribal educational agency.

(v) An institution of higher education whose most common degree awarded is an associate degree, or a consortium of such institutions.

(vi) An institution of higher education whose most common degree awarded is a bachelor's or higher degree, or a consortium of such institutions.

(vii) A State educational agency.

(B) One or more business or industry representative partners, which may include representatives of local or regional businesses or industries, including industry or sector partnerships in the local area, local workforce development boards, or labor organizations.

(C) One or more stakeholders, which may include—

(i) parents and students;

(ii) representatives of local agencies serving out-of-school youth, homeless children and youth, and at-risk youth (as defined in section 1432 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6472));

(iii) representatives of Indian tribes and Tribal organizations, where applicable;

(iv) representatives of minority-serving institutions (as described in paragraphs (1) through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)), where applicable;

(v) representatives of special populations;

(vi) representatives of adult career and technical education providers; or

(vii) other relevant community stakeholders.

[(13)](20) ELIGIBLE INSTITUTION.—The term “eligible institution” means—

[(A)] a public or nonprofit private institution of higher education that offers career and technical education courses that lead to technical skill proficiency, an industry-recognized credential, a certificate, or a degree;

[(B)] a local educational agency providing education at the postsecondary level;

[(C)] an area career and technical education school providing education at the postsecondary level;

[(D)] a postsecondary educational institution controlled by the Bureau of Indian Affairs or operated by or on behalf of any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Act of April 16, 1934 (25 U.S.C. 452 et seq.);

[(E)] an educational service agency; or

[(F) a consortium of 2 or more of the entities described in subparagraphs (A) through (E).]

(20) *ELIGIBLE INSTITUTION.*—The term “eligible institution” means—

(A) a consortium of 2 or more of the entities described in subparagraphs (B) through (F);

(B) a public or nonprofit private institution of higher education that offers and will use funds provided under this title in support of career and technical education courses that lead to technical skill proficiency or a recognized postsecondary credential, including an industry-recognized credential, a certificate, or an associate degree;

(C) a local educational agency providing education at the postsecondary level;

(D) an area career and technical education school providing education at the postsecondary level;

(E) an Indian Tribe, Tribal organization, or Tribal education agency that operates a school or may be present in the State;

(F) a postsecondary educational institution controlled by the Bureau of Indian Education or operated by or on behalf of any Indian Tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) or the Act of April 16, 1934 (25 U.S.C. 5342 et seq.);

(G) a tribally controlled college or university; or

(H) an educational service agency.

[(14)](21) *ELIGIBLE RECIPIENT.*—The term “eligible recipient” means—

(A) a local educational agency (including a public charter school that operates as a local educational agency), an area career and technical education school, an educational service agency, an Indian Tribe, Tribal organization, or Tribal educational agency or a consortium, eligible to receive assistance under section 131; or

(B) * * *

(22) *ENGLISH LEARNER.*—The term “English learner” means—

(A) a secondary school student who is an English learner, as defined in section 8101 of the Elementary and Secondary Education Act of 1965; or

(B) an adult or an out-of-school youth who has limited ability in speaking, reading, writing, or understanding the English language and—

(i) whose native language is a language other than English; or

(ii) who lives in a family environment or community in which a language other than English is the dominant language.

(23) *EVIDENCE-BASED.*—The term “evidence-based” has the meaning given the term in section 8101(21)(A) of the Elementary and Secondary Education Act of 1965.

[(15)](24) *GOVERNOR.*—* * *

(25) *HIGH SCHOOL*.—The term “high school” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

(26) *IN-DEMAND INDUSTRY SECTOR OR OCCUPATION*.—The term “in-demand industry sector or occupation” has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(27) *INDIAN; INDIAN TRIBE*.—The terms “Indian” and “Indian Tribe” have the meanings given the terms “Indian” and “Indian tribe”, respectively, in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

[(16)] *INDIVIDUAL WITH LIMITED ENGLISH PROFICIENCY*.—The term “individual with limited English proficiency” means a secondary school student, an adult, or an out-of-school youth, who has limited ability in speaking, reading, writing, or understanding the English language, and—

[(A)] whose native language is a language other than English; or

[(B)] who lives in a family or community environment in which a language other than English is the dominant language.]

[(17)](28) *INDIVIDUAL WITH A DISABILITY*.—

(A) *IN GENERAL*.—* * *

* * * * *

(29) *INDUSTRY OR SECTOR PARTNERSHIP*.—The term “industry or sector partnership” has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

[(18)](30) *INSTITUTION OF HIGHER EDUCATION*.—* * *

[(19)](31) *LOCAL EDUCATIONAL AGENCY*.—* * *

(32) *LOCAL WORKFORCE DEVELOPMENT BOARD*.—The term “local workforce development board” means a local workforce development board established under section 107 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3122).

[(20)](33) *NON-TRADITIONAL FIELDS*.—The term “non-traditional fields” means occupations or fields of work, [including] such as careers in computer science, technology, and other current and emerging high skill occupations, for which individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

[(21)](34) *OUTLYING AREA*.—* * *

(35) *OUT-OF-SCHOOL YOUTH*.—The term “out-of-school youth” has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(36) *OUT-OF-WORKFORCE INDIVIDUAL*.—The term “out-of-workforce individual” means—

(A) an individual who is a displaced homemaker, as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102); or

(B) an individual who—

(i) (I) has worked primarily without remuneration to care for a home and family, and for that reason has diminished marketable skills; or

(II) is a parent whose youngest dependent child will become ineligible to receive assistance under part

A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) not later than 2 years after the date on which the parent applies for assistance under such title; and
(ii) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

(37) *PARAPROFESSIONAL.*—*The term “paraprofessional” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.*

(38) *PAY FOR SUCCESS INITIATIVE.*—

(A) *IN GENERAL.*—*Subject to subparagraph (B), the term “pay for success initiative” means a performance-based grant, contract, or cooperative agreement awarded by a State or local public entity (such as a local educational agency) to a public or private nonprofit entity—*

(i) in which a commitment is made to pay for improved outcomes that result in increased public value and social benefit to students and the public sector, such as improved student outcomes as evidenced by the indicators of performance described in section 113(b)(2) and direct cost savings or cost avoidance to the public sector; and

(ii) that includes—

(I) a feasibility study on the initiative describing how the proposed intervention is based on evidence of effectiveness;

(II) a rigorous, third-party evaluation that uses experimental or quasi-experimental design or other research methodologies that allow for the strongest possible causal inferences to determine whether the initiative has met its proposed outcomes;

(III) an annual, publicly available report on the progress of the initiative; and

(IV) a requirement that payments are made to the recipient of a grant, contract, or cooperative agreement only when agreed upon outcomes are achieved, except that the entity may make payments to the third party conducting the evaluation described in subclause (II).

(B) *EXCLUSION.*—*The term “pay for success initiative” does not include any initiative that—*

(i) reduces the special education or related services that a student would otherwise receive under the Individuals with Disabilities Education Act; or

(ii) otherwise reduces the rights of a student or the obligations of an entity under the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), or any other law.

[(22)](39) *POSTSECONDARY EDUCATIONAL INSTITUTION.*—*The term “postsecondary educational institution” means—*

(A) * * *

* * * * *

(C) a nonprofit educational institution offering certificate or **[apprenticeship]** *other skilled training* programs at the postsecondary level.

(40) *PROFESSIONAL DEVELOPMENT.*—The term “professional development” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

(41) *PROGRAM OF STUDY.*—The term “program of study” means a coordinated, nonduplicative sequence of secondary and postsecondary academic and technical content that—

(A) incorporates challenging State academic standards, including those adopted by a State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965;

(B) addresses both academic and technical knowledge and skills, including employability skills;

(C) is aligned with the needs of industries in the economy of the State, region, Tribal community, or local area;

(D) progresses in specificity (beginning with all aspects of an industry or career cluster and leading to more occupation-specific instruction);

(E) has multiple entry and exit points that incorporate credentialing; and

(F) culminates in the attainment of a recognized postsecondary credential.

(42) *QUALIFIED INTERMEDIARY.*—The term “qualified intermediary” means a nonprofit entity, which may be part of an industry or sector partnership, that demonstrates expertise in building, connecting, sustaining, and measuring partnerships with entities such as employers, schools, community-based organizations, postsecondary institutions, social service organizations, economic development organizations, Indian tribes or Tribal organizations, and workforce systems to broker services, resources, and supports to youth and the organizations and systems that are designed to serve youth, including—

(A) connecting employers to classrooms;

(B) assisting in the design and implementation of career and technical education programs and programs of study;

(C) delivering professional development;

(D) connecting students to internships and other work-based learning opportunities; and

(E) developing personalized student supports.

(43) *RECOGNIZED POSTSECONDARY CREDENTIAL.*—The term “recognized postsecondary credential” has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

[(23) POSTSECONDARY EDUCATION TECH PREP STUDENT.—The term “postsecondary education tech prep student” means a student who—

[(A) has completed the secondary education component of a tech prep program; and

[(B) has enrolled in the postsecondary education component of a tech prep program at an institution of higher education described in clause (i) or (ii) of section 203(a)(1)(B).]

[(24) SCHOOL DROPOUT.—The term “school dropout” means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.]

[(25) SCIENTIFICALLY BASED RESEARCH.—The term “scientifically based research” means research that is carried out using scientifically based research standards, as defined in section 102 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9501).]

[(26) SECONDARY EDUCATION TECH PREP STUDENT.—The term “secondary education tech prep student” means a secondary education student who has enrolled in 2 courses in the secondary education component of a tech prep program.]

[(27)](44) SECONDARY SCHOOL.—The term “secondary school” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

[(28)](45) SECRETARY.—The term “Secretary” means the Secretary of Education.

(46) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term “specialized instructional support personnel” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

(47) SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—The term “specialized instructional support services” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

[(29)](48) SPECIAL POPULATIONS.—The term “special populations” means—

(A) * * *

(B) individuals from economically disadvantaged families, including [foster children] *low-income youth and adults*;

(C) * * *

* * * * *

[(E) displaced homemakers; and]

(E) *out-of-workforce individuals*;

(F) [individuals with limited English proficiency.] *English learners*;

(G) *homeless individuals described in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)*;

(H) *youth who are in, or have aged out of, the foster care system*; and

(I) *youth with a parent who—*

(i) *is a member of the armed forces (as such term is defined in section 101(a)(4) of title 10, United States Code)*; and

(ii) *is on active duty (as such term is defined in section 101(d)(1) of such title)*.

[(30)](49) STATE.—* * *

[(31)](50) SUPPORT SERVICES.—The term “support services” means services related to curriculum modification, equipment modification, classroom modification, supportive personnel (*including paraprofessionals and specialized instructional support personnel*), and instructional aids and devices.

[(32) TECH PREP PROGRAM.—The term “tech prep program” means a tech prep program described in section 203(c).]

[(33)](51) TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY.—* * *

[(34)](52) TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTION.—The term “tribally controlled postsecondary career and technical institution” means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965, except that subsection (a)(2) of such section shall not be applicable and the reference to Secretary in subsection (a)(5) of such section shall be deemed to refer to the Secretary of the Interior) that—

(A) is formally controlled, or has been formally sanctioned or chartered, by the governing body of an [Indian tribe or Indian tribes]*Indian Tribe or Indian Tribes*;

* * * * *

(D) demonstrates adherence to stated goals, a philosophy, or a plan of operation, that fosters individual Indian economic and self-sufficiency opportunity, including programs that are appropriate to stated [tribal]*Tribal* goals of developing individual entrepreneurships and self-sustaining economic infrastructures on reservations *or tribal lands*;

* * * * *

(53) TRIBAL ORGANIZATION.—*The term “Tribal organization” has the meaning given the term “tribal organization” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).*

(54) UNIVERSAL DESIGN FOR LEARNING.—*The term “universal design for learning” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.*

(55) WORK-BASED LEARNING.—*The term “work-based learning” means sustained interactions with industry or community professionals in real workplace settings, to the extent practicable, or simulated environments at an educational institution that foster in-depth, firsthand engagement with the tasks required in a given career field, that are aligned to curriculum and instruction.*

* * * * *

SEC. 4. TRANSITION PROVISIONS.

The Secretary shall take such steps as [the Secretary determines to be appropriate]*are necessary* to provide for the orderly transition to the authority of this Act (as amended by the [Carl D. Perkins Career and Technical Education Improvement Act of 2006]*Strengthening Career and Technical Education for the 21st Century Act*) from any authority under the provisions of the Carl D. Perkins Vocational and Technical Education Act of [1998]*2006*, as in effect on the day before the date of enactment of the [Carl D. Perkins Career and Technical Education Improvement Act of 2006]*Strengthening Career and Technical Education for the 21st Century Act*. The Secretary shall give each eligible agency the opportunity to submit a transition plan for the first fiscal year fol-

lowing the date of enactment of the [Carl D. Perkins Career and Technical Education Improvement Act of 2006] *Strengthening Career and Technical Education for the 21st Century Act*.

* * * * *

SEC. 8. PROHIBITIONS.

(a) LOCAL CONTROL.—Nothing in this Act shall be construed to authorize an officer or employee of the [Federal Government to mandate, direct, or control a State, local educational agency, or school’s curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act, except as required under sections 112(b), 311(b), and 323.] *Federal Government—*

(1) *to condition or incentivize the receipt of any grant, contract, or cooperative agreement, or the receipt of any priority or preference under such grant, contract, or cooperative agreement, upon a State, local educational agency, eligible agency, eligible recipient, eligible entity, or school’s adoption or implementation of specific instructional content, academic standards and assessments, curricula, or program of instruction (including any condition, priority, or preference to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards);*

(2) *through grants, contracts, or other cooperative agreements, to mandate, direct, or control a State, local educational agency, eligible agency, eligible recipient, eligible entity, or school’s specific instructional content, academic standards and assessments, curricula, or program of instruction (including any requirement, direction, or mandate to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards); or*

(3) *except as required under sections 112(b), 211(b), and 223—*

(A) *to mandate, direct, or control the allocation of State or local resources; or*

(B) *to mandate that a State or a political subdivision of a State spend any funds or incur any costs not paid for under this Act.*

(b) NO PRECLUSION OF OTHER ASSISTANCE.—* * *

* * * * *

[(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the requirements under section 113.]

(d) RULE OF CONSTRUCTION.—*Nothing in this section affects the applicability of subchapter II of chapter 5, and chapter 7, of title 5, United States Code, (commonly known as the “Administrative Procedure Act”) or chapter 8 of title 5, United States Code, commonly known as the “Congressional Review Act”).*

(e) COHERENT AND RIGOROUS CONTENT.—* * *

(f) CONGRESSIONAL NOTICE AND COMMENT.—

(1) *NOTICE TO CONGRESS.*—Not less than 15 business days prior to issuing a notice of proposed rulemaking related to this Act in the Federal Register, the Secretary shall provide to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and other relevant congressional committees, notice of the Secretary's intent to issue a notice of proposed rulemaking that shall include—

(A) a copy of the proposed regulation;

(B) the need to issue the regulation;

(C) a description of how the regulation is consistent with the scope of this Act;

(D) the anticipated burden (including the time, cost, and paperwork burden) the regulation will impose on an eligible agency, institution, or recipient that may be impacted by the regulation, including the potential impact on rural areas;

(E) the anticipated benefits to an eligible agency, institution, or recipient that may be impacted by the regulation, including in rural areas; and

(F) any regulations that will be repealed when the new regulation is issued.

(2) *COMMENT PERIOD FOR CONGRESS.*—The Secretary shall—

(A) before issuing any notice of proposed rulemaking under this subsection, provide Congress with a comment period of 15 business days to make comments on the proposed regulation, beginning on the date that the Secretary provides the notice of intent to the appropriate committees of Congress under paragraph (1); and

(B) include and seek to address all comments submitted by members of Congress in the public rulemaking record for the regulation published in the Federal Register.

(3) *COMMENT AND REVIEW PERIOD; EMERGENCY SITUATIONS.*—The comment and review period for any proposed regulation shall be not less than 60 days unless an emergency requires a shorter period, in which case the Secretary shall—

(A) designate the proposed regulation as an emergency with an explanation of the emergency in the notice to Congress under paragraph (1);

(B) publish the length of the comment and review period in such notice and in the Federal Register; and

(C) conduct immediately thereafter regional meetings to review such proposed regulation before issuing any final regulation.

* * * * *

[SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act (other than sections 114, 117, and 118, and title II) such sums as may be necessary for each of the fiscal years 2007 through 2012.]

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act (other than sections 114 and 117)—

(1) \$1,229,568,538 for fiscal year 2019;

- (2) \$1,246,782,498 for fiscal year 2020;
- (3) \$1,264,237,452 for fiscal year 2021;
- (4) \$1,281,936,777 for fiscal year 2022;
- (5) \$1,299,883,892 for fiscal year 2023; and
- (6) \$1,318,082,266 for fiscal year 2024.

* * * * *

TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

PART A—ALLOTMENT AND ALLOCATION

§ 111. RESERVATIONS AND STATE ALLOTMENT.

[(a) RESERVATIONS AND STATE ALLOTMENT.—

[(1) RESERVATIONS.—From the sum appropriated under section 9 for each fiscal year, the Secretary shall reserve—

[(A) 0.13 percent to carry out section 115; and

[(B) 1.50 percent to carry out section 116, of which—

[(i) 1.25 percent of the sum shall be available to carry out section 116(b); and

[(ii) 0.25 percent of the sum shall be available to carry out section 116(h).

[(2) STATE ALLOTMENT FORMULA.—Subject to paragraphs (3), (4), and (5), from the remainder of the sum appropriated under section 9 and not reserved under paragraph (1) for a fiscal year, the Secretary shall allot to a State for the fiscal year—

[(A) an amount that bears the same ratio to 50 percent of the sum being allotted as the product of the population aged 15 to 19 inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

[(B) an amount that bears the same ratio to 20 percent of the sum being allotted as the product of the population aged 20 to 24, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

[(C) an amount that bears the same ratio to 15 percent of the sum being allotted as the product of the population aged 25 to 65, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States; and

[(D) an amount that bears the same ratio to 15 percent of the sum being allotted as the amounts allotted to the State under subparagraphs (A), (B), and (C) for such years bears to the sum of the amounts allotted to all the States under subparagraphs (A), (B), and (C) for such year.

[(3) MINIMUM ALLOTMENT FOR YEARS WITH NO ADDITIONAL FUNDS.—

[(A) IN GENERAL.—Notwithstanding any other provision of law and subject to subparagraphs (B) and (C), and paragraph (5), for a fiscal year for which there are no additional funds (as such term is defined in paragraph (4)(D)), no State shall receive for such fiscal year under this subsection less than $\frac{1}{2}$ of 1 percent of the amount appropriated under section 9 and not reserved under paragraph (1) for such fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

[(B) REQUIREMENT.—No State, by reason of the application of subparagraph (A), shall receive for a fiscal year more than 150 percent of the amount the State received under this subsection for the preceding fiscal year.

[(C) SPECIAL RULE.—

[(i) IN GENERAL.—Subject to paragraph (5), no State, by reason of the application of subparagraph (A), shall be allotted for a fiscal year more than the lesser of—

[(I) 150 percent of the amount that the State received in the preceding fiscal year; and

[(II) the amount calculated under clause (ii).

[(ii) AMOUNT.—The amount calculated under this clause shall be determined by multiplying—

[(I) the number of individuals in the State counted under paragraph (2) in the preceding fiscal year; by

[(II) 150 percent of the national average per pupil payment made with funds available under this section for that year.

[(4) MINIMUM ALLOTMENT FOR YEARS WITH ADDITIONAL FUNDS.—

[(A) IN GENERAL.—Subject to subparagraph (B) and paragraph (5), for a fiscal year for which there are additional funds, no State shall receive for such fiscal year under this subsection less than $\frac{1}{2}$ of 1 percent of the amount appropriated under section 9 and not reserved under paragraph (1) for such fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

[(B) SPECIAL RULE.—In the case of a qualifying State, the minimum allotment under subparagraph (A) for a fiscal year for the qualifying State shall be the lesser of—

[(i) $\frac{1}{2}$ of 1 percent of the amount appropriated under section 9 and not reserved under paragraph (1) for such fiscal year; and

[(ii) the sum of—

[(I) the amount the qualifying State was allotted under paragraph (2) for fiscal year 2006 (as such paragraph was in effect on the day before the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006); and

[(II) the product of—

[(aa) $\frac{1}{3}$ of the additional funds; multiplied by

[(bb) the quotient of—

[(AA) the qualifying State's ratio described in subparagraph (C) for the fiscal year for which the determination is made; divided by

[(BB) the sum of all such ratios for all qualifying States for the fiscal year for which the determination is made.

[(C) RATIO.—For purposes of subparagraph (B)(ii)(II)(bb)(AA), the ratio for a qualifying State for a fiscal year shall be 1.00 less the quotient of—

[(i) the amount the qualifying State was allotted under paragraph (2) for fiscal year 2006 (as such paragraph was in effect on the day before the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006); divided by

[(ii) $\frac{1}{2}$ of 1 percent of the amount appropriated under section 9 and not reserved under paragraph (1) for the fiscal year for which the determination is made.

[(D) DEFINITIONS.—In this paragraph:

[(i) ADDITIONAL FUNDS.—The term “additional funds” means the amount by which—

[(I) the sum appropriated under section 9 and not reserved under paragraph (1) for a fiscal year; exceeds

[(II) the sum of—

[(aa) the amount allotted under paragraph (2) for fiscal year 2006 (as such paragraph (2) was in effect on the day before the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006);

[(bb) the amount reserved under paragraph (1)(C) for fiscal year 2006 (as such paragraph (1)(C) was so in effect); and

[(cc) \$827,671.

[(ii) QUALIFYING STATE.—The term “qualifying State” means a State (except the United States Virgin Islands) that, for the fiscal year for which a determination under this paragraph is made, would receive, under the allotment formula under paragraph (2) (without the application of this paragraph and paragraphs (3) and (5)), an amount that would be less than the amount the State would receive under subparagraph (A) for such fiscal year.

[(5) HOLD HARMLESS.—

[(A) IN GENERAL.—No State shall receive an allotment under this section for a fiscal year that is less than the allotment the State received under part A of title I of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2311 et seq.) (as such part was in ef-

fect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998) for fiscal year 1998.

[(B) RATABLE REDUCTION.—If for any fiscal year the amount appropriated for allotments under this section is insufficient to satisfy the provisions of subparagraph (A), the payments to all States under such subparagraph shall be ratably reduced.

[(b) REALLOTMENT.—If the Secretary determines that any amount of any State's allotment under subsection (a) for any fiscal year will not be required for such fiscal year for carrying out the activities for which such amount has been allotted, the Secretary shall make such amount available for reallocation. Any such reallocation among other States shall occur on such dates during the same year as the Secretary shall fix, and shall be made on the basis of criteria established by regulation. No funds may be reallocated for any use other than the use for which the funds were appropriated. Any amount reallocated to a State under this subsection for any fiscal year shall remain available for obligation during the succeeding fiscal year and shall be deemed to be part of the State's allotment for the year in which the amount is obligated.

[(c) ALLOTMENT RATIO.—

[(1) IN GENERAL.—The allotment ratio for any State shall be 1.00 less the product of—

[(A) 0.50; and

[(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of the Commonwealth of Puerto Rico and the United States Virgin Islands), except that—

[(i) the allotment ratio in no case shall be more than 0.60 or less than 0.40; and

[(ii) the allotment ratio for the Commonwealth of Puerto Rico and the United States Virgin Islands shall be 0.60.

[(2) PROMULGATION.—The allotment ratios shall be promulgated by the Secretary for each fiscal year between October 1 and December 31 of the fiscal year preceding the fiscal year for which the determination is made. Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the 3 most recent consecutive fiscal years for which satisfactory data are available.

[(3) DEFINITION OF PER CAPITA INCOME.—For the purpose of this section, the term “per capita income” means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

[(4) POPULATION DETERMINATION.—For the purposes of this section, population shall be determined by the Secretary on the basis of the latest estimates available to the Department of Education.

[(d) DEFINITION OF STATE.—For the purpose of this section, the term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.]

SEC. 111. RESERVATIONS AND STATE ALLOTMENT.*(a) RESERVATIONS AND STATE ALLOTMENT.—*

(1) RESERVATIONS.—From the amount appropriated under section 9 for each fiscal year, the Secretary shall reserve—

(A) 0.13 percent to carry out section 115; and

(B) 1.50 percent to carry out section 116, of which—

(i) 1.25 percent of the sum shall be available to carry out section 116(b); and

(ii) 0.25 percent of the sum shall be available to carry out section 116(h).

(2) FOUNDATIONAL GRANT.—

(A) IN GENERAL.—From the remainder of the amount appropriated under section 9 and not reserved under paragraph (1) for a fiscal year, the Secretary shall allot to a State for the fiscal year an amount equal to the amount the State received in fiscal year 2018.

(B) RATABLE REDUCTION.—If for any fiscal year the amount appropriated for allotments under this section is insufficient to satisfy the provisions of subparagraph (A), the payments to all States under such subparagraph shall be ratably reduced.

(3) ADDITIONAL FUNDS.—Subject to paragraph (4), from the additional funds remaining from the amount appropriated under section 9 and not expended under paragraphs (1) and (2) for a fiscal year, the Secretary shall allot to a State for the fiscal year—

(A) an amount that bears the same ratio to 50 percent of the sum being allotted as the product of the population aged 15 to 19, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

(B) an amount that bears the same ratio to 20 percent of the sum being allotted as the product of the population aged 20 to 24, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

(C) an amount that bears the same ratio to 15 percent of the sum being allotted as the product of the population aged 25 to 65, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States; and

(D) an amount that bears the same ratio to 15 percent of the sum being allotted as the amounts allotted to the State under subparagraphs (A), (B), and (C) for such years bears to the sum of the amounts allotted to all the States under subparagraphs (A), (B), and (C) for such year.

(4) MINIMUM ALLOTMENT FOR YEARS WITH ADDITIONAL FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), for a fiscal year for which there are additional funds described in paragraph (3), no State shall receive for such fiscal year under paragraph (3) less than 1/2 of 1 percent of the addi-

tional funds available for such fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

(B) *SPECIAL RULE.*—In the case of a qualifying State, the minimum allotment under subparagraph (A) for a fiscal year for the qualifying State shall be the lesser of—

(i) $1/2$ of 1 percent of the additional funds available for such fiscal year; and

(ii) the product of—

(I) $1/3$ of the additional funds; multiplied by

(II) the quotient of—

(aa) the qualifying State's ratio described in subparagraph (C) for the fiscal year for which the determination is made; divided by

(bb) the sum of all such ratios for all qualifying States for the fiscal year for which the determination is made.

(C) *RATIO.*—For purposes of subparagraph (B)(ii)(II)(aa), the ratio for a qualifying State for a fiscal year shall be 1.00 less the quotient of—

(i) the amount the qualifying State is allotted under paragraph (3) for the fiscal year; divided by

(ii) $1/2$ of 1 percent of the amount appropriated under paragraph (3) for the fiscal year for which the determination is made.

(D) *DEFINITIONS.*—In this paragraph, the term “qualifying State” means a State (except the United States Virgin Islands) that, for the fiscal year for which a determination under this paragraph is made, would receive, under the allotment formula under paragraph (3) (without the application of this paragraph), an amount that would be less than the amount the State would receive under subparagraph (A) for such fiscal year.

(b) *REALLOTMENT.*—If the Secretary determines that any amount of any State's allotment under subsection (a) for any fiscal year will not be required for such fiscal year for carrying out the activities for which such amount has been allotted, the Secretary shall make such amount available for reallocation. Any such reallocation among other States shall occur on such dates during the same year as the Secretary shall fix, and shall be made on the basis of criteria established by regulation. No funds may be reallocated for any use other than the use for which the funds were appropriated. Any amount reallocated to a State under this subsection for any fiscal year shall remain available for obligation during the succeeding fiscal year and shall be deemed to be part of the State's allotment for the year in which the amount is obligated.

(c) *ALLOTMENT RATIO.*—

(1) *IN GENERAL.*—The allotment ratio for any State shall be 1.00 less the product of—

(A) 0.50; and

(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of the Commonwealth of Puerto Rico and the United States Virgin Islands), except that—

(i) the allotment ratio in no case shall be more than 0.60 or less than 0.40; and

(ii) the allotment ratio for the Commonwealth of Puerto Rico and the United States Virgin Islands shall be 0.60.

(2) *PROMULGATION.*—The allotment ratios shall be promulgated by the Secretary for each fiscal year between October 1 and December 31 of the fiscal year preceding the fiscal year for which the determination is made. Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the 3 most recent consecutive fiscal years for which satisfactory data are available.

(3) *DEFINITION OF PER CAPITA INCOME.*—For the purpose of this section, the term “per capita income” means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

(4) *POPULATION DETERMINATION.*—For the purposes of this section, population shall be determined by the Secretary on the basis of the latest estimates available to the Department of Education.

(d) *DEFINITION OF STATE.*—For the purpose of this section, the term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

* * * * *

SEC. 112. WITHIN STATE ALLOCATION.

(a) *IN GENERAL.*—From the amount allotted to each State under section 111 for a fiscal year, the eligible agency shall make available—

(1) not less than 85 percent for distribution under section 131 or 132, of which not more than ~~10 percent~~ 15 percent of the 85 percent may be used in accordance with subsection (c);

(2) not more than 10 percent to carry out State leadership activities described in section 124, of which—

(A) an amount equal to not more than ~~1 percent~~ 2 percent of the amount allotted to the State under section 111 for the fiscal year shall be made available to serve individuals in State institutions, such as ~~State correctional institutions and institutions~~ State correctional institutions, juvenile justice facilities, and educational institutions that serve individuals with disabilities; ~~and~~

(B) * * *

(C) an amount shall be made available for the recruitment of special populations to enroll in career and technical education programs, which shall be not less than the lesser of—

(i) an amount equal to 0.1 percent; or

(ii) \$50,000; and

(3) an amount equal to not more than 5 percent, or \$250,000, whichever is greater, for administration of the State plan, which may be used for the costs of—

(A) developing the State plan;

(B) reviewing ~~a local plan;~~ local applications;

(C) * * *

* * * * *

(c) RESERVE.—From amounts made available under subsection (a)(1) to carry out this subsection, an eligible agency may award grants to eligible recipients for career and technical education activities described in [section 135 in—

[(1) rural areas;

[(2) areas with high percentages of career and technical education students; and

[(3) areas with high numbers of career and technical education students.]section 135 in—

(A) rural areas;

(B) areas with high percentages of CTE concentrators or CTE participants;

(C) areas with high numbers of CTE concentrators or CTE participants; and

(D) areas with disparities or gaps in performance as described in section 113(b)(3)(C)(ii)(II).

* * * * *

SEC. 113. ACCOUNTABILITY.

(a) PURPOSE.—* * *

(b) STATE DETERMINED PERFORMANCE MEASURES.—

(1) IN GENERAL.—Each eligible agency, with input from eligible recipients, shall establish *State determined* performance measures for a State that consist of—

(A) the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2); and

[(B) any additional indicators of performance (if any) identified by the eligible agency under paragraph (2)(C); and]

[(C)](B) [a State adjusted level of performance]a *State determined level of performance* described in paragraph (3)(A) for each core indicator of performance[, and State levels of performance described in paragraph (3)(B) for each additional indicator of performance].

[(2) INDICATORS OF PERFORMANCE.—

[(A) CORE INDICATORS OF PERFORMANCE FOR CAREER AND TECHNICAL EDUCATION STUDENTS AT THE SECONDARY LEVEL.—Each eligible agency shall identify in the State plan core indicators of performance for career and technical education students at the secondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:

[(i) Student attainment of the challenging State academic standards, as adopted by a State in accordance with section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and measured by the State determined levels of achievement on the academic assessments described in section 1111(b)(2) of such Act.

[(ii) Student attainment of career and technical skill proficiencies, including student achievement on technical assessments, that are aligned with industry-recognized standards, if available and appropriate.

[(iii) Student rates of attainment of each of the following:

[(I) A secondary school diploma.

[(II) A General Education Development (GED) credential, or other State-recognized equivalent (including recognized alternative standards for individuals with disabilities).

[(III) A proficiency credential, certificate, or degree, in conjunction with a secondary school diploma (if such credential, certificate, or degree is offered by the State in conjunction with a secondary school diploma).

[(iv) Student graduation rates (as described in section 1111(c)(4)(A)(i)(I)(bb) of the Elementary and Secondary Education Act of 1965).

[(v) Student placement in postsecondary education or advanced training, in military service, or in employment.

[(vi) Student participation in and completion of career and technical education programs that lead to non-traditional fields.

[(B) CORE INDICATORS OF PERFORMANCE FOR CAREER AND TECHNICAL EDUCATION STUDENTS AT THE POSTSECONDARY LEVEL.—Each eligible agency shall identify in the State plan core indicators of performance for career and technical education students at the postsecondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:

[(i) Student attainment of challenging career and technical skill proficiencies, including student achievement on technical assessments, that are aligned with industry-recognized standards, if available and appropriate.

[(ii) Student attainment of an industry-recognized credential, a certificate, or a degree.

[(iii) Student retention in postsecondary education or transfer to a baccalaureate degree program.

[(iv) Student placement in military service or apprenticeship programs or placement or retention in employment, including placement in high skill, high wage, or high demand occupations or professions.

[(v) Student participation in, and completion of, career and technical education programs that lead to employment in non-traditional fields.

[(C) ADDITIONAL INDICATORS OF PERFORMANCE.—An eligible agency, with input from eligible recipients, may identify in the State plan additional indicators of performance for career and technical education activities authorized under this title, such as attainment of self-sufficiency.

[(D) EXISTING INDICATORS.—If a State has developed, prior to the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006, State career and technical education performance measures that meet the requirements of this section (as amended by such Act), the State may use such performance

measures to measure the progress of career and technical education students.

【(E) STATE ROLE.—Indicators of performance described in this paragraph shall be established solely by each eligible agency with input from eligible recipients.

【(F) ALIGNMENT OF PERFORMANCE INDICATORS.—In the course of developing core indicators of performance and additional indicators of performance, an eligible agency shall, to the greatest extent possible, align the indicators so that substantially similar information gathered for other State and Federal programs, or for any other purpose, is used to meet the requirements of this section.】

(2) INDICATORS OF PERFORMANCE.—

(A) CORE INDICATORS OF PERFORMANCE FOR CTE CONCENTRATORS AT THE SECONDARY LEVEL.—*Each eligible agency shall identify in the State plan core indicators of performance for CTE concentrators at the secondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:*

(i) *The percentage of CTE concentrators who graduate high school, as measured by—*

(I) *the four-year adjusted cohort graduation rate (defined in section 8101 of the Elementary and Secondary Education Act of 1965); and*

(II) *at the State's discretion, the extended-year adjusted cohort graduation rate defined in such section 8101.*

(ii) *CTE concentrator proficiency in the challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, as measured by the academic assessments described in section 1111(b)(2) of such Act.*

(iii) *The percentage of CTE concentrators who, in the second quarter following the program year after exiting from secondary education, are in postsecondary education or advanced training.*

(iv) *The percentage of CTE concentrators who, in the second quarter following the program year after exiting from secondary education, are in military service or a service program that receives assistance under title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.), are volunteers as described in section 5(a) of the Peace Corps Act (22 U.S.C. 2504(a)), or are employed (including those who are employed in high-skill, high-wage, or in-demand sectors or occupations).*

(v) *Indicators of career and technical education program quality as follows:*

(I) *That shall include at least 1 of the following:*

(aa) *The percentage of CTE concentrators, as defined in section 3(12)(A), graduating from high school having attained a recognized postsecondary credential.*

(bb) *The percentage of CTE concentrators, as defined in section 3(12)(A), graduating from high school having attained postsecondary credits in the relevant career and technical education program or program of study earned through a dual or concurrent enrollment program or another credit transfer agreement.*

(cc) *The percentage of CTE concentrators, as defined in section 3(12)(A), graduating from high school having participated in work-based learning.*

(II) *That may include any other measure of student success in career and technical education that is statewide, valid, and reliable, and comparable across the State.*

(vi) *The percentage of CTE concentrators, as defined in section 3(12)(A), in career and technical education programs and programs of study that lead to non-traditional fields.*

(B) **CORE INDICATORS OF PERFORMANCE FOR CTE CONCENTRATORS AT THE POSTSECONDARY LEVEL.**—*Each eligible agency shall identify in the State plan core indicators of performance for CTE concentrators at the postsecondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:*

(i) *The percentage of CTE concentrators who, during the second quarter after program completion, remain enrolled in postsecondary education (disaggregated by postsecondary award level, including certificate, associate, or baccalaureate degree), or in advanced training.*

(ii) *The percentage of CTE concentrators who, during the second quarter after program completion, are in military service or a service program that receives assistance under title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.), are volunteers as described in section 5(a) of the Peace Corps Act (22 U.S.C. 2504(a)), or have placement or retention in employment (including those individuals who are employed in a high-skill, high-wage, or in-demand sector or occupation).*

(iii) *The percentage of CTE concentrators who receive a recognized postsecondary credential during participation in or within 1 year of program completion.*

(iv) *The percentage of CTE concentrators in career and technical education programs and programs of study that lead to non-traditional fields.*

(C) **ALIGNMENT OF PERFORMANCE INDICATORS.**—*In developing core indicators of performance under subparagraphs (A) and (B), an eligible agency shall, to the greatest extent possible, align the indicators so that substantially similar information gathered for other State and Federal programs, or for any other purpose, may be used to meet the requirements of this section.*

(3) STATE *DETERMINED* LEVELS OF PERFORMANCE.—

【(A) STATE ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

【(i) IN GENERAL.—Each eligible agency, with input from eligible recipients, shall establish in the State plan submitted under section 122, levels of performance for each of the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

【(I) be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable; and

【(II) require the State to continually make progress toward improving the performance of career and technical education students.

【(ii) IDENTIFICATION IN THE STATE PLAN.—Subject to section 4, each eligible agency shall identify, in the State plan submitted under section 122, levels of performance for each of the core indicators of performance for the first 2 program years covered by the State plan.

【(iii) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 2 YEARS.—The Secretary and each eligible agency shall reach agreement on the levels of performance for each of the core indicators of performance, for the first 2 program years covered by the State plan, taking into account the levels identified in the State plan under clause (ii) and the factors described in clause (vi). The levels of performance agreed to under this clause shall be considered to be the State adjusted level of performance for the State for such years and shall be incorporated into the State plan prior to the approval of such plan.

【(iv) ROLE OF THE SECRETARY.—The role of the Secretary in the agreement described in clauses (iii) and (v) is limited to reaching agreement on the percentage or number of students who attain the State adjusted levels of performance.

【(v) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—Prior to the third and fifth program years covered by the State plan, the Secretary and each eligible agency shall reach agreement on the State adjusted levels of performance for each of the core indicators of performance for the corresponding subsequent program years covered by the State plan, taking into account the factors described in clause (vi). The State adjusted levels of performance agreed to under this clause shall be considered to be the State adjusted levels of performance for the State for such years and shall be incorporated into the State plan.

【(vi) FACTORS.—The agreement described in clause (iii) or (v) shall take into account—

[(I) how the levels of performance involved compare with the State adjusted levels of performance established for other States, taking into account factors including the characteristics of participants when the participants entered the program and the services or instruction to be provided; and

[(II) the extent to which such levels of performance promote continuous improvement on the indicators of performance by such State.

[(vii) REVISIONS.—If unanticipated circumstances arise in a State resulting in a significant change in the factors described in clause (vi), the eligible agency may request that the State adjusted levels of performance agreed to under clause (iii) or (v) be revised. The Secretary shall issue objective criteria and methods for making such revisions.]

(A) *STATE DETERMINED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.*—

(i) *IN GENERAL.*—

(I) *LEVELS DETERMINED BY THE ELIGIBLE AGENCY.*—*Each eligible agency, with input from eligible recipients, shall establish in the State plan submitted under section 122, for each year covered by the State plan, State determined levels of performance for each of the core indicators described under subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this title. The level of performance for a core indicator shall be the same for all CTE concentrators in the State.*

(II) *TECHNICAL ASSISTANCE.*—*The Secretary may assist an eligible agency in establishing the State determined levels of performance under this subparagraph only at the request of that eligible agency.*

(III) *REQUIREMENTS.*—*Such State determined levels of performance shall, at a minimum—*

(aa) *be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable;*

(bb) *require the State to continually make meaningful progress toward improving the performance of all career and technical education students, including the subgroups of students described in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965, and special populations, as described in section 3(48); and*

(cc) *have been subject to the public comment process described in subparagraph (B), and the eligible agency has provided a written response;*

(dd) *when adjusted pursuant to clause (ii), take into account how the levels of per-*

formance involved compare with the State levels of performance established for other States, considering factors including the characteristics of actual (as opposed to anticipated) CTE concentrators when the CTE concentrators entered the program, and the services or instruction to be provided;

(ee) when adjusted under clause (ii), be higher than the average actual performance of the 2 most recently completed program years, except in the case of unanticipated circumstances that require revisions in accordance with clause (iii); and

(ff) take into account the extent to which the State determined levels of performance advance the eligible agency's goals, as set forth in the State plan.

(ii) ALLOWABLE ADJUSTMENT OF STATE DETERMINED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—Prior to the third program year covered by the State plan, each eligible agency may revise the State determined levels of performance for any of the core indicators of performance for the subsequent program years covered by the State plan, and submit the revised State determined levels of performance to the Secretary in a manner consistent with the requirements described in subclause (III) of clause (i) and the procedure described in section 122(f). If the eligible agency adjusts any levels of performance, the eligible agency shall adjust those levels in accordance with clause (i), and address written comments of stakeholders as described in subparagraph (B). The State determined adjusted levels of performance identified under this clause shall be considered to be the State determined levels of performance for the State for such years and shall be incorporated into the State plan.

(iii) UNANTICIPATED CIRCUMSTANCES.—If unanticipated circumstances arise in a State or changes occur related to improvements in data or measurement approaches, the eligible agency, at the end of the program year, may revise the State determined levels of performance required under this subparagraph. Any such revision shall be carried out in the manner described in clause (ii). After public comment, as described in subparagraph (B), the eligible agency shall submit such revised levels of performance with evidence supporting the revision in a manner consistent with the procedure described in section 122(f).

[(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—Each eligible agency shall identify in the State plan State levels of performance for each of the additional indicators of performance described in paragraph (2)(C). Such levels shall be considered to be the State levels of performance for purposes of this title.]

(B) PUBLIC COMMENT.—

(i) *IN GENERAL.*—Each eligible agency shall develop the levels of performance under subparagraph (A) in consultation with the stakeholders identified in section 122(c)(1)(A).

(ii) *WRITTEN COMMENTS.*—Not less than 60 days prior to submission of the State plan, the eligible agency shall provide such stakeholders with the opportunity to provide written comments to the eligible agency, which shall be included in the State plan, regarding how the levels of performance described under subparagraph (A)—

(I) meet the requirements of the law;

(II) support the improvement of performance of all CTE concentrators, including subgroups of students, as described in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965, and special populations, as described in section 3(48); and

(III) support the needs of the local education and business community.

(iii) *ELIGIBLE AGENCY RESPONSE.*—Each eligible agency shall provide, in the State plan, a written response to the comments provided by stakeholders under clause (ii).

(C) *STATE REPORT.*—

(i) *IN GENERAL.*—Each eligible agency that receives an allotment under section 111 shall annually prepare and submit to the Secretary a report regarding—

(I) the progress of the State in achieving the State determined levels of performance on the core indicators of performance; and

(II) the actual levels of performance for all CTE concentrators, and for each of the subgroups of students, as described in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965, and special populations, as described in section 3(48).

(ii) *DATA.*—Except as provided in subparagraph (E), each eligible agency that receives an allotment under section 111 shall—

(I) disaggregate data for each of the indicators of performance under paragraph (2)—

(aa) for subgroups of students, as described in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965, and special populations, as described in section 3(48), that are served under this Act; and

(bb) by the career and technical education programs or programs of study of the CTE concentrators, except that in a case in which reporting by such program or program of study is impractical, the data may be disaggregated by the career clusters of the CTE concentrators, if appropriate; and

(II) identify and quantify any disparities or gaps in performance on the State determined levels of performance under subparagraph (A) between any such subgroup or special population and the performance of all CTE concentrators served by the eligible agency under this Act, which shall include a quantifiable description of the progress each such subgroup or special population of students served by the eligible agency under this Act has made in meeting the State determined levels of performance.

(iii) NONDUPLICATION.—The Secretary shall ensure that each eligible agency does not report duplicative information under this section.

(iv) INFORMATION DISSEMINATION.—The Secretary shall—

(I) make the information contained in such reports available to the general public through a variety of formats, including electronically through the Internet;

(II) disseminate State-by-State comparisons of the information contained in such reports; and

(III) provide the appropriate committees of Congress with copies of such reports.

(D) STATE DISSEMINATION OF ACTUAL LEVELS OF PERFORMANCE.—At the end of each program year, the eligible agency shall disseminate the actual levels of performance described in subparagraph (C)(i)(II)—

(i) widely, including to students, parents, and educators;

(ii) through a variety of means, including by electronic means; and

(iii) in user-friendly formats and languages that are easily accessible, as determined by the eligible agency.

(E) RULES FOR REPORTING DATA.—The disaggregation of data under this paragraph shall not be required when the number of students in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual student.

(4) LOCAL LEVELS OF PERFORMANCE.—

(A) LOCAL **【ADJUSTED】** LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

(i) IN GENERAL.—Each eligible recipient shall agree to accept the **【State adjusted levels of performance】**State determined levels of performance for each year of the plan established under paragraph (3) as **【local adjusted levels】**local levels of performances, or negotiate with the State to reach agreement on new **【local adjusted levels】**local levels of performance, for each of the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under

this title. The levels of performance established under this subparagraph shall, at a minimum—

(I) be expressed in a percentage or numerical form, ~~consistent with the State levels of performance established under paragraph (3), so as~~ *consistent with the form expressed in the State determined levels, so as* to be objective, quantifiable, and measurable; ~~and~~

(II) require the eligible recipient to ~~continually make progress toward improving the performance of career and technical education students.~~ *continually make meaningful progress toward improving the performance of all CTE concentrators, including subgroups of students described in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965 and special populations, as described in section 3(48);*

(III) *when adjusted as described in clause (iii), be higher than the average actual performance levels of the previous 2 program years, except in a case in which unanticipated circumstances arise with respect to the eligible recipient and that eligible recipient meets the requirements for revisions under clause (iv);*

(IV) *when adjusted as described in clause (iii), take into account how the local levels of performance compare with the local levels of performance established for other eligible recipients, considering factors including the characteristics of actual (as opposed to anticipated) CTE concentrators at the time those CTE concentrators entered the program, and the services or instruction to be provided; and*

(V) *set the local levels of performance using valid and reliable data that measures—*

(aa) the differences within the State in actual economic conditions (including differences in unemployment rates and job losses or gains in particular industries); and

(bb) the abilities of the State and the eligible recipient to collect and access valid, reliable, and cost-effective data.

(ii) IDENTIFICATION IN THE LOCAL ~~PLAN~~ APPLICATION.—Each eligible recipient shall identify, in the local ~~plan~~ application submitted under section 134, levels of performance for each of the core indicators of performance for ~~the first 2~~ *each of the* program years covered by the local ~~plan~~ application.

~~[(iii) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 2 YEARS.—The eligible agency and each eligible recipient shall reach agreement, as described in clause (i), on the eligible recipient's levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan, taking into account the levels identified in~~

the local plan under clause (ii) and the factors described in clause (v). The levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan prior to the approval of such plan.】

【(iv)】*[(iii) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—Prior to the third and fifth program years covered by the local plan, the eligible agency and each eligible recipient shall reach agreement on the local adjusted levels of performance for each of the core indicators of performance for the corresponding subsequent program years covered by the local plan, taking into account the factors described in clause (v). The local adjusted levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan.]*

[(iii) ALLOWABLE ADJUSTMENTS OF LOCAL LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—Prior to the third program year covered by the local application, the eligible recipient may, if the eligible recipient reaches an agreement with the eligible agency, adjust the local levels of performance for any of the core indicators of performance for the subsequent program years covered by the local application, in accordance with that agreement and with this subparagraph. The local adjusted levels of performance agreed to under this clause shall be considered to be the local levels of performance for the eligible recipient for such years and shall be incorporated into the local application.]

【(v) FACTORS.—The agreement described in clause (iii) or (iv) shall take into account—

【(I) how the levels of performance involved compare with the local adjusted levels of performance established for other eligible recipients in the State, taking into account factors including the characteristics of participants when the participants entered the program and the services or instruction to be provided; and

【(II) the extent to which the local adjusted levels of performance promote continuous improvement on the core indicators of performance by the eligible recipient.】

【(vi)】*[(v) REVISIONS.—If unanticipated circumstances arise with respect to an eligible recipient resulting in a significant change in the factors described in clause (v), the eligible recipient may request that the local adjusted levels of performance agreed to under clause (iii) or (iv) be revised.]If unanticipated circumstances arise, or changes occur related to improvements in data or measurement approaches, the eligible recipient may request that the local levels of performance agreed to under clauses (i) and (iii) be re-*

vised. The eligible agency shall issue objective criteria and methods for making such revisions.

[(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—Each eligible recipient may identify, in the local plan, local levels of performance for any additional indicators of performance described in paragraph (2)(C). Such levels shall be considered to be the local levels of performance for purposes of this title.]

[(C)](B) LOCAL REPORT.—

(i) **CONTENT OF REPORT.—**Each eligible recipient that receives an allocation described in section 112 shall annually prepare and submit to the eligible agency a report, which shall include [the data described in clause (ii)(I), regarding the progress of such recipient in achieving the local adjusted levels of performance]*the data on the actual performance levels described in clause (ii), including the progress of such recipient in achieving the local levels of performance on the core indicators of performance.*

(ii) **DATA.—**Except as provided in clauses (iii) and (iv), each eligible recipient that receives an allocation described in section 112 shall—

(I) disaggregate data for each of the indicators of performance under paragraph (2) for the subgroups of students described in [section 1111(h)(1)(C)(i)]*section 1111(h)(1)(C)(ii)* of the Elementary and Secondary Education Act of 1965 and [section 3(29)]*section 3(48)* that are served under this Act; [and]

(II) identify and quantify any disparities or gaps in performance, *as described in paragraph 3(C)(ii)(II),* between any such category of students *as described in subclause (I) (including special populations)* and the performance of [all students]*all CTE concentrators* served by the eligible recipient under this Act[.]; and

(III) *disaggregate data by the career and technical education programs or programs of study of the CTE concentrators, except that in a case in which reporting by such program or program of study is impractical, the data may be disaggregated by the career clusters of the CTE concentrators, if appropriate.*

(iii) **NONDUPLICATION.—**The eligible agency shall ensure, in a manner that is consistent with the actions of the Secretary under [subsection (c)(3)]*paragraph (3)(C)(iii),* that each eligible recipient does not report duplicative information under this section.

(iv) **RULES FOR REPORTING OF DATA.—**The disaggregation of data under [clause (ii)]*this paragraph* shall not be required when the number of students in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual student.

[(v) AVAILABILITY.—The report described in clause (i) shall be made available to the public through a variety of formats, including electronically through the Internet.]

(v) AVAILABILITY.—The report described in clause (i) shall be made available by the eligible recipient through a variety of formats, including electronically through the Internet, to students, parents, educators, and the public, and the information contained in such report shall be in a format that is understandable and uniform, and to the extent practicable, provided in a language that students, parents, and educators can understand.

[(c) REPORT.—

[(1) IN GENERAL.—Each eligible agency that receives an allotment under section 111 shall annually prepare and submit to the Secretary a report regarding—

[(A) the progress of the State in achieving the State adjusted levels of performance on the core indicators of performance; and

[(B) information on the levels of performance achieved by the State with respect to the additional indicators of performance, including the levels of performance for special populations.

[(2) DATA.—Except as provided in paragraphs (3) and (4), each eligible agency that receives an allotment under section 111 or 201 shall—

[(A) disaggregate data for each of the indicators of performance under subsection (b)(2) for the categories of students described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 and section 3(29) that are served under this Act; and

[(B) identify and quantify any disparities or gaps in performance between any such category of students and the performance of all students served by the eligible agency under this Act, which shall include a quantifiable description of the progress each such category of students served by the eligible agency under this Act has made in meeting the State adjusted levels of performance.

[(3) NONDUPLICATION.—The Secretary shall ensure that each eligible agency does not report duplicative information under this section.

[(4) RULES FOR REPORTING OF DATA.—The disaggregation of data under paragraph (2) shall not be required when the number of students in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual student.

[(5) INFORMATION DISSEMINATION.—The Secretary—

[(A) shall make the information contained in such reports available to the general public through a variety of formats, including electronically through the Internet;

[(B) shall disseminate State-by-State comparisons of the information; and

[(C) shall provide the appropriate committees of Congress with copies of such reports.]

* * * * *

SEC. 114. NATIONAL ACTIVITIES.

(a) PROGRAM PERFORMANCE INFORMATION.—

(1) IN GENERAL.—[The Secretary shall]*The Secretary shall, in consultation with the Director, collect performance information about, and report on, the condition of career and technical education and on the effectiveness of State and local programs, services, and activities carried out under this title in order to provide the Secretary and Congress, as well as Federal, State, local, and tribal agencies, with information relevant to improvement in the quality and effectiveness of career and technical education. The Secretary shall report annually to Congress on the Secretary's aggregate analysis of performance information collected each year pursuant to this title from eligible agencies under section 113(b)(3)(C), including an analysis of performance data regarding special populations.*

(2) COMPATIBILITY.—* * *

* * * * *

[(b) MISCELLANEOUS PROVISIONS.—

[(1) COLLECTION OF INFORMATION AT REASONABLE COST.—The Secretary shall take such action as may be necessary to secure at reasonable cost the information required by this title. To ensure reasonable cost, the Secretary, in consultation with the National Center for Education Statistics, the Office of Career, Technical, and Adult Education, and an entity assisted under section 118 (if applicable), shall determine the methodology to be used and the frequency with which information is to be collected.

[(2) COOPERATION OF STATES.—All eligible agencies receiving assistance under this Act shall cooperate with the Secretary in implementing the information systems developed pursuant to this Act.]

(b) *REASONABLE COST.*—*The Secretary shall take such action as may be necessary to secure at reasonable cost the information required by this title. To ensure reasonable cost, the Secretary, in consultation with the National Center for Education Statistics and the Office of Career, Technical, and Adult Education shall determine the methodology to be used and the frequency with which such information is to be collected.*

(c) SINGLE PLAN FOR RESEARCH, DEVELOPMENT, DISSEMINATION, EVALUATION, AND ASSESSMENT.—

(1) IN GENERAL.—The [Secretary may]*Secretary shall, directly or through grants, contracts, or cooperative agreements, carry out research, development, dissemination, evaluation and assessment, capacity building, and technical assistance with regard to the career and technical education programs under this Act. The Secretary shall develop a single plan for such activities.*

(2) PLAN.—Such plan shall—

(A) * * *

(B) describe how the Secretary, *acting through the Director*, will evaluate such career and technical education activities in accordance with subsection (d)(2); and

(C) include such other information as the Secretary, *in consultation with the Director*, determines to be appropriate.

(d) ADVISORY PANEL; EVALUATION; REPORTS.—

(1) INDEPENDENT ADVISORY PANEL.—

(A) IN GENERAL.—The Secretary, *acting through the Director*, shall appoint an independent advisory panel to advise the Secretary on the implementation of the [assessment] *evaluation* described in paragraph (2) and the plan developed under subsection (c), including the issues to be addressed and the methodology of the studies involved to ensure that the [assessment] *evaluation* adheres to the highest standards of quality.

(B) MEMBERS.—The advisory panel shall consist of—

(i) * * *

* * * * *

(v) career guidance and academic counseling professionals[; and];

(vi) other individuals and *qualified* intermediaries with relevant expertise[.], *which may include individuals with expertise in addressing inequities in access to, and in opportunities for, academic and technical skill attainment;*

(vii) *representatives of Indian Tribes and Tribal organizations; and*

(viii) *representatives of special populations.*

(C) INDEPENDENT ANALYSIS.—The advisory panel shall transmit to the Secretary, *the Director*, the relevant committees of Congress, and the Library of Congress an independent analysis of the findings and recommendations resulting from the [assessment] *evaluation* described in paragraph (2).

* * * * *

(2) EVALUATION[AND ASSESSMENT].—

(A) IN GENERAL.—From amounts made available under [subsection (e), the Secretary] *subsection (f), the Secretary, acting through the Director*, shall provide for the conduct of [an independent evaluation and assessment] *a series of research and evaluation initiatives for each year for which funds are appropriated to carry out this Act, which are aligned with the plan in subsection (c)(2), of career and technical education programs under this Act, including the implementation of the [Carl D. Perkins Career and Technical Education Improvement Act of 2006] Strengthening Career and Technical Education for the 21st Century Act*, to the extent practicable, through studies and analyses conducted independently through grants, contracts, and cooperative agreements that are awarded on a competitive basis *to institutions of higher education or a consortia of one or more institutions of higher education and one or more private nonprofit organiza-*

tions or agencies. Whenever possible, data used for the evaluation for a fiscal year shall be data from the most recent fiscal year for which such data are available, and from the 5-year period preceding that fiscal year.

【(B) CONTENTS.—The assessment required under subparagraph (A) shall include descriptions and evaluations of—

【(i) the extent to which State, local, and tribal entities have developed, implemented, or improved State and local career and technical education programs assisted under this Act;

【(ii) the preparation and qualifications of teachers and faculty of career and technical education (such as meeting State established teacher certification or licensing requirements), as well as shortages of such teachers and faculty;

【(iii) academic and career and technical education achievement and employment outcomes of career and technical education, including analyses of—

【(I) the extent and success of the integration of rigorous and challenging academic and career and technical education for students participating in career and technical education programs, including a review of the effect of such integration on the academic and technical proficiency achievement of such students (including the number of such students receiving a secondary school diploma); and

【(II) the extent to which career and technical education programs prepare students, including special populations, for subsequent employment in high skill, high wage occupations (including those in which mathematics and science skills are critical), or for participation in postsecondary education;

【(iv) employer involvement in, and satisfaction with, career and technical education programs and career and technical education students' preparation for employment;

【(v) the participation of students in career and technical education programs;

(vi) the use of educational technology and distance learning with respect to career and technical education and tech prep programs; and

【(vii) the effect of State and local adjusted levels of performance and State and local levels of performance on the delivery of career and technical education services, including the percentage of career and technical education and tech prep students meeting the adjusted levels of performance described in section 113.】

(B) CONTENTS.—*The evaluation required under subparagraph (A) shall include descriptions and evaluations of—*

(i) *the extent and success of the integration of challenging State academic standards adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and career and technical education for students participating in career and technical education programs, including a review of the effect of such integration on the academic and technical proficiency achievement of such students, including—*

(I) the number of such students that receive a regular high school diploma, as such term is defined under section 8101 of the Elementary and Secondary Education Act of 1965 or a State-defined alternative diploma described in section 8101(25)(A)(ii)(I)(bb) of such Act;

(II) the number of such students that are high school students that receive a recognized postsecondary credential; and

(III) the number of such students that are high school students that earn credit toward a recognized postsecondary credential;

(ii) the extent to which career and technical education programs and programs of study prepare students, including special populations, for subsequent employment in high-skill, high-wage occupations (including those in which mathematics and science skills are critical, which may include computer science), or for participation in postsecondary education;

(iii) employer involvement in, benefit from, and satisfaction with, career and technical education programs and programs of study and career and technical education students' preparation for employment;

(iv) efforts to expand access to career and technical education programs of study for all students;

(v) innovative approaches to work-based learning programs that increase participation and alignment with employment in high-growth industries, including in rural and low-income areas;

(vi) the effectiveness of different delivery systems and approaches for career and technical education, including comprehensive high schools, technical high schools, area technical centers, career academies, community and technical colleges, early college high schools, pre-apprenticeship programs, voluntary after-school programs, and individual course offerings, including dual or concurrent enrollment program courses, as well as communication strategies for promoting career and technical education opportunities involving teachers, school counselors, and parents or other guardians;

(vii) the extent to which career and technical education programs supported by this Act are grounded on evidence-based research;

(viii) the impact of the amendments to this Act made under the Strengthening Career and Technical

Education for the 21st Century Act, including comparisons, where appropriate, of—

(I) the use of the comprehensive needs assessment under section 134(c);

(II) the implementation of programs of study; and

(III) coordination of planning and program delivery with other relevant laws, including the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) and the Elementary and Secondary Education Act of 1965;

(ix) changes in career and technical education program accountability as described in section 113 and any effects of such changes on program delivery and program quality;

(x) changes in student enrollment patterns; and

(xi) efforts to reduce disparities or performance gaps described in section 113(b)(3)(C)(ii)(II).

(C) REPORTS.—

(i) IN GENERAL.—The Secretary, *in consultation with the Director*, shall submit to the relevant committees of Congress—

[(I) an interim report regarding the assessment on or before January 1, 2010; and

[(II) a final report, summarizing all studies and analyses that relate to the assessment and that are completed after the interim report, on or before July 1, 2011.]]

(I) not later than 2 years after the date of enactment of the Strengthening Career and Technical Education for the 21st Century Act, an interim report regarding the evaluation and summary of research activities carried out under this section that builds on studies and analyses existing as of such date of enactment;

(II) not later than 4 years after the date of enactment of the Strengthening Career and Technical Education for the 21st Century Act, a final report summarizing the studies and analyses that relate to the evaluation and summary of research activities carried out under this section; and

(III) a biennial update to such final report for succeeding years.

(ii) PROHIBITION.—Notwithstanding any other provision of law, the reports required by this subsection shall not be subject to any review outside the Department of Education before their transmittal to the relevant committees of Congress and the Secretary, but the President, the Secretary, *the Director*, and the independent advisory panel established under paragraph (1) may make such additional recommendations to Congress with respect to the assessment as the President, the Secretary, *the Director*, or the panel determine to be appropriate.

(iii) *DISSEMINATION.*—In addition to submitting the reports required under clause (i), the Secretary shall disseminate the results of the evaluation widely and on a timely basis in order to increase the understanding among State and local officials and educators of the effectiveness of programs and activities supported under the Act and of the career and technical education programs and programs of study that are most likely to produce positive educational and employment outcomes.

(3) COLLECTION OF STATE INFORMATION AND REPORT.—

(A) IN GENERAL.—The Secretary may collect and disseminate information from States regarding State efforts to meet [State adjusted levels of performance described in section 113(b)] *State determined levels of performance described in section 113(b), as long as such information does not reveal any personally identifiable information.*

* * * * *

[(4) RESEARCH.—

[(A) IN GENERAL.—From amounts made available under subsection (e), the Secretary, after consulting with the States, shall award a grant, contract, or cooperative agreement, on a competitive basis, to an institution of higher education, a public or private nonprofit organization or agency, or a consortium of such institutions, organizations, or agencies to establish a national research center—

[(i) to carry out scientifically based research and evaluation for the purpose of developing, improving, and identifying the most successful methods for addressing the education, employment, and training needs of participants, including special populations, in career and technical education programs, including research and evaluation in such activities as—

[(I) the integration of—

[(aa) career and technical instruction; and

[(bb) academic, secondary and postsecondary instruction;

[(II) education technology and distance learning approaches and strategies that are effective with respect to career and technical education;

[(III) State adjusted levels of performance and State levels of performance that serve to improve career and technical education programs and student achievement;

[(IV) academic knowledge and career and technical skills required for employment or participation in postsecondary education; and

[(V) preparation for occupations in high skill, high wage, or high demand business and industry, including examination of—

[(aa) collaboration between career and technical education programs and business and industry; and

[(bb) academic and technical skills required for a regional or sectoral workforce, including small business;

[(ii) to carry out scientifically based research and evaluation to increase the effectiveness and improve the implementation of career and technical education programs that are integrated with coherent and rigorous content aligned with challenging academic standards, including conducting research and development, and studies, that provide longitudinal information or formative evaluation with respect to career and technical education programs and student achievement;

[(iii) to carry out scientifically based research and evaluation that can be used to improve the preparation and professional development of teachers, faculty, and administrators, and to improve student learning in the career and technical education classroom, including—

[(I) effective in-service and preservice teacher and faculty education that assists career and technical education programs in—

[(aa) integrating those programs with challenging State academic standards, as adopted by States under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

[(bb) coordinating technical education with industry-recognized certification requirements;

[(II) dissemination and training activities related to the applied research and demonstration activities described in this subsection, which may also include serving as a repository for information on career and technical skills, State academic standards, and related materials; and

[(III) the recruitment and retention of career and technical education teachers, faculty, counselors, and administrators, including individuals in groups underrepresented in the teaching profession; and

[(iv) to carry out such other research and evaluation, consistent with the purposes of this Act, as the Secretary determines appropriate to assist State and local recipients of funds under this Act.

[(B) REPORT.—The center conducting the activities described in subparagraph (A) shall annually prepare a report of the key research findings of such center and shall submit copies of the report to the Secretary, the relevant committees of Congress, the Library of Congress, and each eligible agency.

[(C) DISSEMINATION.—The center shall conduct dissemination and training activities based upon the research described in subparagraph (A).]

[(5) DEMONSTRATIONS AND DISSEMINATION.—The Secretary is authorized to carry out demonstration career and technical education programs, to replicate model career and technical education programs, to disseminate best practices information, and to provide technical assistance upon request of a State, for the purposes of developing, improving, and identifying the most successful methods and techniques for providing career and technical education programs assisted under this Act.]

(4) RESEARCH.—

(A) *IN GENERAL.*—From amounts made available under subsection (f), the Secretary, after consultation with the Director, the Commissioner for Education Research, and the States, and with input from the independent advisory panel established under subsection (d)(1)(A), shall award grants, on a competitive basis, to institutions of higher education, or to consortia of one or more institutions of higher education and one or more private nonprofit organizations or agencies, to carry out one or more of the activities described in subparagraph (B).

(B) *GRANT ACTIVITIES.*—An institution or consortium receiving a grant under this paragraph shall use grant funds to carry out one or more of the following activities:

(i) *Evidence-based research and evaluation for the purpose of developing, improving, and identifying the most successful methods for—*

(I) *eliminating inequities in access to, and in opportunities for, learning, skill development, or effective teaching in career and technical education programs; and*

(II) *addressing the education, employment, and training needs of CTE participants, including special populations, in career and technical education programs or programs of study.*

(ii) *Research on, and evaluation of, the impact of changes made by the Strengthening Career and Technical Education for the 21st Century Act, including State-by-State comparisons, where appropriate, of—*

(I) *the use of the needs assessment under section 134(c);*

(II) *the implementation of programs of study;*

(III) *how States have implemented provisions of the Act, including both fiscal and programmatic elements;*

(IV) *career and technical education funding and finance models; and*

(V) *coordination with other relevant laws, including the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), the Elementary and Secondary Education Act of 1965, and the Higher Education Act of 1965.*

(iii) *Research and analyses that provide longitudinal information with respect to career and technical education programs and programs of study and student achievement.*

(iv) *To carry out, evaluate, or research innovative methods that support high-quality implementation of career and technical education programs and programs of study and student achievement related to career and technical education, including—*

(I) *creating or expanding dual or concurrent enrollment program activities and early college high schools;*

(II) *awarding of academic credit or academic alignment for industry recognized credentials, competency-based education, or work-based learning;*

(III) *making available open, searchable, and comparable information on the quality of industry recognized credentials, including the related skills or competencies, attainment by CTE concentrators, related employment and earnings outcomes, labor market value, and use by employers; or*

(IV) *initiatives to facilitate the transition of sub-baccalaureate career and technical education students into baccalaureate degree programs, including barriers affecting rural students and special populations.*

(C) *REPORT.—Each institution or consortium receiving a grant under this paragraph shall annually prepare a report containing information about the key research findings of such entity under this paragraph and shall submit copies of the report to the Secretary, the Director, the relevant committees of Congress, the Library of Congress, and each eligible agency.*

(D) *DISSEMINATION.—Each institution or consortium receiving a grant under this paragraph shall conduct dissemination and training activities based on the research carried out under this paragraph on a timely basis, including through dissemination networks and, as appropriate and relevant, technical assistance providers within the Department.*

(e) *INNOVATION AND MODERNIZATION.—*

(1) *GRANT PROGRAM.—To identify, support, and rigorously evaluate evidence-based and innovative strategies and activities to improve and modernize career and technical education and align workforce skills with labor market needs as part of the State plan under section 122 and local application under section 134 and the requirements of this subsection, the Secretary may use not more than 20 percent of the amounts appropriated under subsection (f) to award grants to eligible entities, eligible institutions, or eligible recipients to carry out the activities described in paragraph (7).*

(2) *NON-FEDERAL MATCH.—*

(A) *MATCHING FUNDS REQUIRED.—Except as provided under subparagraph (B), to receive a grant under this subsection, an eligible entity, eligible institution, or eligible recipient shall, through cash or in-kind contributions, provide matching funds from non-Federal sources in an*

amount equal to not less than 50 percent of the funds provided under such grant.

(B) *EXCEPTION.*—The Secretary may waive the matching fund requirement under subparagraph (A) if the eligible entity, eligible institution, or eligible recipient demonstrates exceptional circumstances.

(3) *APPLICATION.*—To receive a grant under this subsection, an eligible entity, eligible institution, or eligible recipient shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including, at a minimum—

(A) an identification and designation of the agency, institution, or school responsible for the administration and supervision of the program assisted under this paragraph;

(B) a description of the budget for the project, the source and amount of the matching funds required under paragraph (2)(A), and how the applicant will continue the project after the grant period ends, if applicable;

(C) a description of how the applicant will use the grant funds, including how such funds will directly benefit students, including special populations, served by the applicant;

(D) a description of how the program assisted under this subsection will be coordinated with the activities carried out under section 124 or 135;

(E) a description of how the career and technical education programs or programs of study to be implemented with grant funds reflect the needs of regional, State, or local employers, as demonstrated by the comprehensive needs assessment under section 134(c);

(F) a description of how the program assisted under this subsection will be evaluated and how that evaluation may inform the report described in subsection (d)(2)(C); and

(G) an assurance that the applicant will—

(i) provide information to the Secretary, as requested, for evaluations that the Secretary may carry out; and

(ii) make data available to third parties for validation, in accordance with applicable data privacy laws, including section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the “Family Educational Rights and Privacy Act of 1974”).

(4) *PRIORITY.*—In awarding grants under this subsection, the Secretary shall give priority to applications from eligible entities, eligible institutions, or eligible recipients that will predominantly serve students from low-income families.

(5) *GEOGRAPHIC DIVERSITY.*—

(A) *IN GENERAL.*—In awarding grants under this subsection, the Secretary shall award no less than 25 percent of the total available funds for any fiscal year to eligible entities, eligible institutions, or eligible recipients proposing to fund career and technical education activities that serve—

(i) a local educational agency with an urban-centric district locale code of 32, 33, 41, 42, or 43, as determined by the Secretary;

(ii) an institution of higher education primarily serving the one or more areas served by such a local educational agency;

(iii) a consortium of such local educational agencies or such institutions of higher education;

(iv) a partnership between—

(I) an educational service agency or a non-profit organization; and

(II) such a local educational agency or such an institution of higher education; or

(v) a partnership between—

(I) a grant recipient described in clause (i) or (ii); and

(II) a State educational agency.

(B) *EXCEPTION.*—Notwithstanding subparagraph (A), the Secretary shall reduce the amount of funds made available under such clause if the Secretary does not receive a sufficient number of applications of sufficient quality.

(6) *DURATION.*—

(A) *IN GENERAL.*—Grants awarded under this subsection shall be for a period of not more than 3 years.

(B) *EXTENSION.*—The Secretary may extend such grants for not more than 1 additional 2-year period if the grantee demonstrates to the Secretary that the grantee is achieving the grantee's program objectives and, as applicable, has improved education outcomes for career and technical education students, including special populations.

(7) *USES OF FUNDS.*—An eligible entity, eligible institution, or eligible recipient that is awarded a grant under this subsection shall use the grant funds to create, develop, implement, replicate, or take to scale evidence-based, field-initiated innovations to modernize and improve effectiveness and alignment of career and technical education and to improve student outcomes in career and technical education, and rigorously evaluate such innovations, through one or more of the following activities:

(A) Designing and implementing courses or programs of study aligned to labor market needs in new or emerging fields and working with industry to upgrade equipment, technology, and related curriculum used in career and technical education programs, which—

(i) is needed for the development, expansion, and implementation of State-approved career and technical education programs of study; and

(ii) includes the development or acquisition of instructional materials associated with the equipment and technology purchased by an eligible entity, eligible institution, or eligible recipient through the grant.

(B) Improving career and technical education outcomes of students served by eligible entities, eligible institutions, or eligible recipients through activities such as—

(i) supporting the development and enhancement of innovative delivery models for career and technical education related work-based learning, including school-based simulated work sites, mentoring, work site visits, job shadowing, project-based learning, and skills-based and paid internships;

(ii) increasing the effective use of technology within career and technical education programs and programs of study;

(iii) supporting new models for integrating academic content at the secondary and postsecondary level in career and technical education; or

(iv) integrating science, technology, engineering, and mathematics fields, including computer science education, with career and technical education.

(C) Improving the transition of students—

(i) from secondary education to postsecondary education or employment through programs, activities, or services that may include the creation, development, or expansion of dual or concurrent enrollment programs, articulation agreements, credit transfer agreements, and competency-based education; or

(ii) from the completion of one postsecondary program to another postsecondary program that awards a recognized postsecondary credential.

(D) Supporting the development and enhancement of innovative delivery models for career and technical education.

(E) Working with industry to design and implement courses or programs of study aligned to labor market needs in new or emerging fields.

(F) Supporting innovative approaches to career and technical education by redesigning the high school experience for students, which may include evidence-based transitional support strategies for students who have not met postsecondary education eligibility requirements.

(G) Creating or expanding recruitment, retention, or professional development activities for career and technical education teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, and paraprofessionals, which may include—

(i) providing resources and training to improve instruction for, and provide appropriate accommodations to, special populations;

(ii) externships or site visits with business and industry;

(iii) the integration of coherent and rigorous academic content standards and career and technical education curricula, including through opportunities for appropriate academic and career and technical education teachers to jointly develop and implement curricula and pedagogical strategies;

(iv) mentoring by experienced teachers;

(v) providing resources or assistance with meeting State teacher licensure and credential requirements; or

(vi) training for career guidance and academic counselors at the secondary level to improve awareness of postsecondary education and postsecondary career options, and improve the ability of such counselors to communicate to students the career opportunities and employment trends.

(H) Improving CTE concentrator employment outcomes in non-traditional fields.

(I) Supporting the use of career and technical education programs and programs of study in a coordinated strategy to address identified employer needs and workforce shortages, such as shortages in the early childhood, elementary school, and secondary school education workforce.

(J) Providing integrated student support that addresses the comprehensive needs of students, such as incorporating accelerated and differentiated learning opportunities supported by evidence-based strategies for special populations.

(K) Establishing an online portal for career and technical education students, including special populations, preparing for postsecondary career and technical education, which may include opportunities for mentoring, gaining financial literacy skills, and identifying career opportunities and interests, and a platform to establish online savings accounts to be used exclusively for postsecondary career and technical education programs and programs of study.

(L) Developing and implementing a pay for success initiative.

(8) **EVALUATION.**—Each eligible entity, eligible institution, or eligible recipient receiving a grant under this subsection shall provide for an independent evaluation of the activities carried out using such grant and submit to the Secretary an annual report that includes—

(A) a description of how funds received under this paragraph were used;

(B) the performance of the eligible entity, eligible institution, or eligible recipient with respect to, at a minimum, the performance indicators described under section 113, as applicable, and disaggregated by—

(i) subgroups of students described in section 1111(c)(2)(B) of the Elementary and Secondary Education Act of 1965;

(ii) special populations; and

(iii) as appropriate, each career and technical education program and program of study; and

(C) a quantitative analysis of the effectiveness of the project carried out under this paragraph.

[(e)](f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2007 through 2012. **]**

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) \$7,651,051 for fiscal year 2019;

(2) \$7,758,166 for fiscal year 2020;

- (3) \$7,866,780 for fiscal year 2021;
 (4) \$7,976,915 for fiscal year 2022;
 (5) \$8,088,592 for fiscal year 2023; and
 (6) \$8,201,832 for fiscal year 2024.

SEC. 115. ASSISTANCE FOR THE OUTLYING AREAS.

(a) OUTLYING AREAS.—From funds reserved pursuant to section 111(a)(1)(A), the Secretary shall—

(1) * * *

* * * * *

(3) make a grant of \$160,000 to the Republic of Palau, [subject to subsection (d)] *subject to subsection (b)*.

[(b) REMAINDER.—

[(1) FIRST YEAR.—Subject to subsection (a), for the first fiscal year following the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006, the Secretary shall make a grant of the remainder of funds reserved pursuant to section 111(a)(1)(A) to the Pacific Region Educational Laboratory in Honolulu, Hawaii, to make grants for career and technical education and training in Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, for the purpose of providing direct career and technical educational services, including—

[(A) teacher and counselor training and retraining;

[(B) curriculum development; and

[(C) the improvement of career and technical education and training programs in secondary schools and institutions of higher education, or improving cooperative education programs involving secondary schools and institutions of higher education.

[(2) SUBSEQUENT YEARS.—Subject to subsection (a), for the second fiscal year following the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006, and each subsequent year, the Secretary shall make a grant of the remainder of funds reserved pursuant to section 111(a)(1)(A) and subject to subsection (a), in equal proportion, to each of Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be used to provide direct career and technical educational services as described in subparagraphs (A) through (C) of paragraph (1).

[(c) LIMITATION.—The Pacific Region Educational Laboratory may use not more than 5 percent of the funds received under subsection (b)(1) for administrative costs.]

[(d)](b) RESTRICTION.—* * *

* * * * *

SEC. 116. NATIVE AMERICAN PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ALASKA [NATIVE] *NATIVE*.—The term “Alaska Native” means a Native as such term is defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

* * * * *

[(3) INDIAN, INDIAN TRIBE, AND TRIBAL ORGANIZATION.—The terms “Indian”, “Indian tribe”, and “tribal organization” have the meanings given the terms in section 4 of the Indian

Self-Determination and Education Assistance Act (25 U.S.C. 450b).]

* * * * *

[(4)](3) NATIVE [HAWAIIAN]HAWAIIAN.—* * *

[(5)](4) NATIVE [HAWAIIAN]HAWAIIAN ORGANIZATION.—The term “Native Hawaiian organization” has the meaning given the term in section 6207 of the Native Hawaiian Education Act (20 U.S.C. 7515).

(b) PROGRAM AUTHORIZED.—

(1) AUTHORITY.—From funds reserved under section 111(a)(1)(B)(i), the Secretary shall make grants to or enter into contracts with Indian [tribes]Tribes, [tribal]Tribal organizations, and Alaska Native entities to carry out the authorized programs described in subsection (c), except that such grants or contracts shall not be awarded to secondary school programs in Bureau-funded schools.

(2) [INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—]INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—The grants or contracts described in this section that are awarded to any [Indian tribe or tribal organization]Indian Tribe or Tribal organization shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act (25 U.S.C. [450f]5321) and shall be conducted in accordance with the provisions of sections 4, 5, and 6 of the Act of April 16, 1934 (25 U.S.C. [455–457]5345–5347), which are relevant to the programs administered under this subsection.

(3) SPECIAL AUTHORITY RELATING TO SECONDARY SCHOOLS OPERATED OR SUPPORTED BY THE [BUREAU OF INDIAN AFFAIRS]BUREAU OF INDIAN EDUCATION.—An Indian [tribe]Tribe, a [tribal]Tribal organization, or an Alaska Native entity, that receives funds through a grant made or contract entered into under paragraph (1) may use the funds to provide assistance to a secondary school operated or supported by the [Bureau of Indian Affairs]Bureau of Indian Education to enable such school to carry out career and technical education programs.

(4) MATCHING.—If sufficient funding is available, the [Bureau of Indian Affairs]Bureau of Indian Education shall expend an amount equal to the amount made available under this subsection, relating to programs for Indians, to pay a part of the costs of programs funded under this subsection. During each fiscal year the [Bureau of Indian Affairs]Bureau of Indian Education shall expend not less than the amount expended during the prior fiscal year on career and technical education programs, services, and technical activities administered directly by, or under contract with, the [Bureau of Indian Affairs]Bureau of Indian Education, except that in no year shall funding for such programs, services, and activities be provided from accounts and programs that support other Indian education programs. The Secretary and the [Assistant Secretary of the Interior for Indian Affairs]Director of the Bureau of Indian Education shall prepare jointly a plan for the expenditure of funds made available and for the evaluation of programs assisted under this subsection. Upon the completion of a joint plan for the expenditure of the funds and the evaluation of the programs, the Secretary shall assume responsibility

for the administration of the program, with the assistance and consultation of the **[Bureau of Indian Affairs]***Bureau of Indian Education*.

(5) REGULATIONS.—If the Secretary promulgates any regulations applicable to paragraph (2), the Secretary shall—

(A) confer with, and allow for active participation by, representatives of **[Indian tribes, tribal organizations, and individual tribal members]***Indian Tribes, Tribal organizations, and individual Tribal members*; and

(B) * * *

(6) APPLICATION.—Any Indian **[tribe]***Tribe*, **[tribal]***Tribal* organization, or Bureau-funded school eligible to receive assistance under this subsection may apply individually or as part of a consortium with another such Indian **[tribe]***Tribe*, **[tribal]***Tribal* organization, or Bureau-funded school.

(c) AUTHORIZED ACTIVITIES.—

(1) AUTHORIZED PROGRAMS.—* * *

(2) *SPECIAL RULE.*—*Notwithstanding section 3(5)(A)(iii), funds made available under this section may be used to provide preparatory, refresher, and remedial education services that are designed to enable students to achieve success in career and technical education programs or programs of study.*

[(2)](3) STIPENDS.—

(A) IN GENERAL.—* * *

* * * * *

(d) GRANT OR CONTRACT APPLICATION.—In order to receive a grant or contract under this section, an organization, **[tribe]***Tribe*, or entity described in subsection (b) shall submit an application to the Secretary that shall include an assurance that such organization, **[tribe]***Tribe*, or entity shall comply with the requirements of this section.

(e) RESTRICTIONS AND SPECIAL CONSIDERATIONS.—The Secretary may not place upon grants awarded or contracts entered into under subsection (b) any restrictions relating to programs other than restrictions that apply to grants made to or contracts entered into with States pursuant to allotments under section 111(a). The Secretary, in awarding grants and entering into contracts under this section, shall ensure that the grants and contracts will improve career and technical education programs, and shall give special consideration to—

(1) programs that involve, coordinate with, or encourage **[tribal]***Tribal* economic development plans; and

(2)* * *

* * * * *

(f) CONSOLIDATION OF FUNDS.—Each organization, **[tribe]***Tribe*, or entity receiving assistance under this section may consolidate such assistance with assistance received from related programs in accordance with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.).

(g) NONDUPLICATIVE AND NONEXCLUSIVE SERVICES.—Nothing in this section shall be construed—

(1) to limit the eligibility of any organization, **[tribe]***Tribe*, or entity described in subsection (b) to participate in any activ-

ity offered by an eligible agency or eligible recipient under this title; or

(2) to preclude or discourage any agreement, between any organization, [tribe] *Tribe*, or entity described in subsection (b) and any eligible agency or eligible recipient, to facilitate the provision of services by such eligible agency or eligible recipient to the population served by such eligible agency or eligible recipient.

* * * * *

SEC. 117. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.

(a) **GRANT PROGRAM.**—Subject to the availability of appropriations, the Secretary shall make grants under this section, to provide basic support for the education and training of Indian students, to tribally controlled postsecondary career and technical institutions that are not receiving Federal assistance as of the date on which the grant is provided under—

(1) * * *

(2) the Navajo Community College Act [(25 U.S.C. 640a et seq.)] (*Public Law 92–189; 85 Stat. 646*).

(b) **USES OF GRANTS.**—* * *

* * * * *

(d) **APPLICATIONS.**—To be eligible to receive a grant under this section, a tribally controlled postsecondary career and technical institution that is not receiving Federal assistance under title I of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1802 et seq.) or the Navajo Community College Act [(25 U.S.C. 640a et seq.)] (*Public Law 92–189; 84 Stat. 646*) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(e) **EXPENSES.**—

(1) **IN GENERAL.**—The Secretary shall, subject to the availability of appropriations, provide for each program year to each tribally controlled postsecondary career and technical institution having an application approved by the Secretary, an amount necessary to pay expenses associated with—

(A) * * *

* * * * *

(f) **OTHER PROGRAMS.**—

(1) **IN GENERAL.**—* * *

* * * * *

(3) **PROHIBITION ON CONTRACT DENIAL.**—No tribally controlled postsecondary career and technical institution for which an Indian [tribe] *Tribe* has designated a portion of the funds appropriated for the [tribe] *Tribe* from funds appropriated under the Act of November 2, 1921 (25 U.S.C. 13), may be denied a contract for such portion under the Indian Self-Determination and Education Assistance Act (except as provided in that Act), or denied appropriate contract support to administer such portion of the appropriated funds.

* * * * *

(h) **DEFINITIONS.**—In this section:

(1) INDIAN; ~~INDIAN TRIBE~~ *INDIAN TRIBE*.—The ~~terms “Indian” and “Indian tribe” have the meanings given the terms in~~ *terms “Indian” and “Indian Tribe” have the meanings given the terms “Indian tribe, respectively, in section 2 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801).*

* * * * *

~~[(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2007 through 2012.]~~

~~(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—~~

- ~~(1) \$9,762,539 for fiscal year 2019;~~
- ~~(2) \$9,899,215 for fiscal year 2020;~~
- ~~(3) \$10,037,804 for fiscal year 2021;~~
- ~~(4) \$10,178,333 for fiscal year 2022;~~
- ~~(5) \$10,320,829 for fiscal year 2023; and~~
- ~~(6) \$10,465,321 for fiscal year 2024.~~

* * * * *

PART B—STATE PROVISIONS

SEC. 121. STATE ADMINISTRATION.

(a) ELIGIBLE AGENCY RESPONSIBILITIES.—The responsibilities of an eligible agency under this title shall include—

(1) * * *

(2) consultation with the Governor and appropriate agencies, groups, and individuals including ~~parents, students, teachers, teacher and faculty preparation programs, representatives of businesses (including small businesses), labor organizations, eligible recipients, State and local officials, and local program administrators, involved in the planning, administration, evaluation, and coordination of programs funded under this title;~~ *teachers, faculty, specialized instructional support personnel, paraprofessionals, school leaders, authorized public chartering agencies and charter school leaders (consistent with State law), employers, representatives of business (including small businesses), labor organizations, eligible recipients, local program administrators, State and local officials, Indian Tribes or Tribal organizations present in the State, parents, students, and community organizations;*

* * * * *

SEC. 122. STATE PLAN.

(a) STATE PLAN.—

(1) IN GENERAL.—Each eligible agency desiring assistance under this title for any fiscal year shall prepare and submit to the Secretary ~~[a State plan for a 6-year period,]~~ *every 4 years a State plan for a 4-year period, consistent with subsection (b),* together with such annual revisions as the eligible agency determines to be necessary, except that, during the period described in section 4, each eligible agency may submit a transition plan that shall fulfill the eligible agency’s obligation to submit a State plan under this section for the first fiscal year

following the date of enactment of the **Carl D. Perkins Career and Technical Education Improvement Act of 2006** *Strengthening Career and Technical Education for the 21st Century Act*.

(2) REVISIONS.—Each eligible agency—

(A) * * *

(B) shall, after the second year of the **6-year period** *4-year period*, conduct a review of activities assisted under this title and submit any revisions of the State plan that the eligible agency determines necessary to the Secretary.

(3) HEARING PROCESS.—The eligible agency shall conduct public hearings in the State, after appropriate and sufficient notice, for the purpose of affording all segments of the public and interested organizations and groups **[(including charter school authorizers and organizers consistent with State law, employers, labor organizations, parents, students, and community organizations)]** *(including teachers, faculty, specialized instructional support personnel, paraprofessionals, school leaders, authorized public chartering agencies and charter school leaders (consistent with State law), employers, labor organizations, parents, students, Indian Tribes and Tribal organizations that may be present in the State, and community organizations)*, an opportunity to present their views and make recommendations regarding the State plan. A summary of such recommendations and the eligible agency's response to such recommendations shall be included in the State plan.

(4) PUBLIC COMMENT.—*Each eligible agency shall make the State plan publicly available for public comment for a period of not less than 30 days, by electronic means and in an easily accessible format, prior to submission to the Secretary for approval under this subsection. In the plan the eligible agency files under this subsection, the eligible agency shall provide an assurance that public comments were taken into account in the development of the State plan.*

(5) SUBMISSION OF SUBSEQUENT PLANS.—*Any State plan submitted by an eligible agency after the first 4-year State plan is submitted under this section shall be submitted not later than 120 days prior to the end of the 4-year period covered by the preceding State plan.*

[(b) PLAN DEVELOPMENT.—

[(1) IN GENERAL.—The eligible agency shall—

[(A) develop the State plan in consultation with—

[(i) academic and career and technical education teachers, faculty, and administrators;

[(ii) career guidance and academic counselors;

[(iii) eligible recipients;

[(iv) charter school authorizers and organizers consistent with State law;

[(v) parents and students;

[(vi) institutions of higher education;

[(vii) the State tech prep coordinator and representatives of tech prep consortia (if applicable);

[(viii) entities participating in activities described in section 101 of the Workforce Innovation and Opportunity Act;

[(ix) interested community members (including parent and community organizations);

[(x) representatives of special populations;

[(xi) representatives of business and industry (including representatives of small business); and

[(xii) representatives of labor organizations in the State; and

[(B) consult the Governor of the State with respect to such development.

[(2) ACTIVITIES AND PROCEDURES.—The eligible agency shall develop effective activities and procedures, including access to information needed to use such procedures, to allow the individuals and entities described in paragraph (1) to participate in State and local decisions that relate to development of the State plan.

[(c) PLAN CONTENTS.—The State plan shall include information that—

[(1) describes the career and technical education activities to be assisted that are designed to meet or exceed the State adjusted levels of performance, including a description of—

[(A) the career and technical programs of study, which may be adopted by local educational agencies and postsecondary institutions to be offered as an option to students (and their parents as appropriate) when planning for and completing future coursework, for career and technical content areas that—

[(i) incorporate secondary education and postsecondary education elements;

[(ii) include coherent and rigorous content aligned with challenging academic standards and relevant career and technical content in a coordinated, non-duplicative progression of courses that align secondary education with postsecondary education to adequately prepare students to succeed in postsecondary education;

[(iii) may include the opportunity for secondary education students to participate in dual or concurrent enrollment programs or other ways to acquire postsecondary education credits; and

[(iv) lead to an industry-recognized credential or certificate at the postsecondary level, or an associate or baccalaureate degree;

[(B) how the eligible agency, in consultation with eligible recipients, will develop and implement the career and technical programs of study described in subparagraph (A);

[(C) how the eligible agency will support eligible recipients in developing and implementing articulation agreements between secondary education and postsecondary education institutions;

[(D) how the eligible agency will make available information about career and technical programs of study offered by eligible recipients;

[(E) the secondary and postsecondary career and technical education programs to be carried out, including programs that will be carried out by the eligible agency to de-

velop, improve, and expand access to appropriate technology in career and technical education programs;

【(F) the criteria that will be used by the eligible agency to approve eligible recipients for funds under this Act, including criteria to assess the extent to which the local plan will—

【(i) promote continuous improvement in academic achievement;

【(ii) promote continuous improvement of technical skill attainment; and

【(iii) identify and address current or emerging occupational opportunities;

【(G) how programs at the secondary level will prepare career and technical education students, including special populations, to graduate from secondary school with a diploma;

【(H) how such programs will prepare career and technical education students, including special populations, academically and technically for opportunities in postsecondary education or entry into high skill, high wage, or high demand occupations in current or emerging occupations, and how participating students will be made aware of such opportunities;

【(I) how funds will be used to improve or develop new career and technical education courses—

【(i) at the secondary level that are aligned with challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965;

【(ii) at the postsecondary level that are relevant and challenging; and

【(iii) that lead to employment in high skill, high wage, or high demand occupations;

【(J) how the eligible agency will facilitate and coordinate communication on best practices among successful recipients of tech prep program grants under title II and eligible recipients to improve program quality and student achievement;

【(K) how funds will be used effectively to link academic and career and technical education at the secondary level and at the postsecondary level in a manner that increases student academic and career and technical achievement; and

【(L) how the eligible agency will report on the integration of coherent and rigorous content aligned with challenging academic standards in career and technical education programs in order to adequately evaluate the extent of such integration;

【(2) describes how comprehensive professional development (including initial teacher preparation and activities that support recruitment) for career and technical education teachers, faculty, administrators, and career guidance and academic counselors will be provided, especially professional development that—

[(A) promotes the integration of coherent and rigorous academic content standards and career and technical education curricula, including through opportunities for the appropriate academic and career and technical education teachers to jointly develop and implement curricula and pedagogical strategies, as appropriate;

[(B) increases the percentage of teachers that meet teacher certification or licensing requirements;

[(C) is high quality, sustained, intensive, and focused on instruction, and increases the academic knowledge and understanding of industry standards, as appropriate, of career and technical education teachers;

[(D) encourages applied learning that contributes to the academic and career and technical knowledge of the student;

[(E) provides the knowledge and skills needed to work with and improve instruction for special populations;

[(F) assists in accessing and utilizing data, including data provided under section 118, student achievement data, and data from assessments; and

[(G) promotes integration with professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965;

[(3) describes efforts to improve—

[(A) the recruitment and retention of career and technical education teachers, faculty, and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession; and

[(B) the transition to teaching from business and industry, including small business;

[(4) describes efforts to facilitate the transition of sub-baccalaureate career and technical education students into baccalaureate degree programs at institutions of higher education;

[(5) describes how the eligible agency will actively involve parents, academic and career and technical education teachers, administrators, faculty, career guidance and academic counselors, local business (including small businesses), and labor organizations in the planning, development, implementation, and evaluation of such career and technical education programs;

[(6) describes how funds received by the eligible agency through the allotment made under section 111 will be allocated—

[(A) among career and technical education at the secondary level, or career and technical education at the post-secondary and adult level, or both, including the rationale for such allocation; and

[(B) among any consortia that will be formed among secondary schools and eligible institutions, and how funds will be allocated among the members of the consortia, including the rationale for such allocation;

[(7) describes how the eligible agency will—

[(A) improve the academic and technical skills of students participating in career and technical education pro-

grams, including strengthening the academic and career and technical components of career and technical education programs through the integration of academics with career and technical education to ensure learning in—

[(i) a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965); and

[(ii) career and technical education subjects;

[(B) provide students with strong experience in, and understanding of, all aspects of an industry; and

[(C) ensure that students who participate in such career and technical education programs are taught to the same challenging academic proficiencies as are taught to all other students;

[(8) describes how the eligible agency will annually evaluate the effectiveness of such career and technical education programs, and describe, to the extent practicable, how the eligible agency is coordinating such programs to ensure non-duplication with other Federal programs;

[(9) describes the eligible agency's program strategies for special populations, including a description of how individuals who are members of the special populations—

[(A) will be provided with equal access to activities assisted under this Act;

[(B) will not be discriminated against on the basis of their status as members of the special populations; and

[(C) will be provided with programs designed to enable the special populations to meet or exceed State adjusted levels of performance, and prepare special populations for further learning and for high skill, high wage, or high demand occupations;

[(10) describes—

[(A) the eligible agency's efforts to ensure that eligible recipients are given the opportunity to provide input in determining the State adjusted levels of performance described in section 113; and

[(B) how the eligible agency, in consultation with eligible recipients, will develop a process for the negotiation of local adjusted levels of performance under section 113(b)(4) if an eligible recipient does not accept the State adjusted levels of performance under section 113(b)(3);

[(11) provides assurances that the eligible agency will comply with the requirements of this Act and the provisions of the State plan, including the provision of a financial audit of funds received under this Act which may be included as part of an audit of other Federal or State programs;

[(12) provides assurances that none of the funds expended under this Act will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the acquiring entity or the employees of the acquiring entity, or any affiliate of such an organization;

[(13) describes how the eligible agency will report data relating to students participating in career and technical education in order to adequately measure the progress of the stu-

dents, including special populations, and how the eligible agency will ensure that the data reported to the eligible agency from local educational agencies and eligible institutions under this title and the data the eligible agency reports to the Secretary are complete, accurate, and reliable;

[(14) describes how the eligible agency will adequately address the needs of students in alternative education programs, if appropriate;

[(15) describes how the eligible agency will provide local educational agencies, area career and technical education schools, and eligible institutions in the State with technical assistance;

[(16) describes how career and technical education relates to State and regional occupational opportunities;

[(17) describes the methods proposed for the joint planning and coordination of programs carried out under this title with other Federal education programs;

[(18) describes how funds will be used to promote preparation for high skill, high wage, or high demand occupations and non-traditional fields;

[(19) describes how funds will be used to serve individuals in State correctional institutions; and

[(20) contains the description and information specified in subparagraphs (B) and (C)(iii) of section 102(b)(2), and, as appropriate, section 103(b)(3)(A), and section 121(c), of the Workforce Innovation and Opportunity Act concerning the provision of services only for postsecondary students and school dropouts.

[(d) PLAN OPTIONS.—

[(1) SINGLE PLAN.—An eligible agency not choosing to consolidate funds under section 202 shall fulfill the plan or application submission requirements of this section, and section 201(c), by submitting a single State plan. In such plan, the eligible agency may allow recipients to fulfill the plan or application submission requirements of section 134 and subsections (a) and (b) of section 204 by submitting a single local plan.

[(2) PLAN SUBMITTED AS PART OF COMBINED PLAN.—The eligible agency may submit the plan required under this section as part of the plan submitted under section 103 of the Workforce Innovation and Opportunity Act, if the plan submitted pursuant to the requirement of this section meets the requirements of this Act.

[(e) PLAN APPROVAL.—

[(1) IN GENERAL.—The Secretary shall approve a State plan, or a revision to an approved State plan, unless the Secretary determines that—

[(A) the State plan, or revision, respectively, does not meet the requirements of this Act; or

[(B) the State's levels of performance on the core indicators of performance consistent with section 113 are not sufficiently rigorous to meet the purpose of this Act.

[(2) DISAPPROVAL.—The Secretary shall not finally disapprove a State plan, except after giving the eligible agency notice and an opportunity for a hearing.

[(3) CONSULTATION.—The eligible agency shall develop the portion of each State plan relating to the amount and uses of any funds proposed to be reserved for adult career and technical education, postsecondary career and technical education, tech prep education, and secondary career and technical education after consultation with the State agency responsible for supervision of community colleges, technical institutes, or other 2-year postsecondary institutions primarily engaged in providing postsecondary career and technical education, and the State agency responsible for secondary education. If a State agency finds that a portion of the final State plan is objectionable, the State agency shall file such objections with the eligible agency. The eligible agency shall respond to any objections of the State agency in the State plan submitted to the Secretary.]

[(4) TIMEFRAME.—A State plan shall be deemed approved by the Secretary if the Secretary has not responded to the eligible agency regarding the State plan within 90 days of the date the Secretary receives the State plan.]

(b) *OPTIONS FOR SUBMISSION OF STATE PLAN.*—

(1) *COMBINED PLAN.*—*The eligible agency may submit a combined plan that meets the requirements of this section and the requirements of section 103 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3113).*

(2) *NOTICE TO SECRETARY.*—*The eligible agency shall inform the Secretary of whether the eligible agency intends to submit a combined plan described in paragraph (1) or a single plan.*

(c) *PLAN DEVELOPMENT.*—

(1) *IN GENERAL.*—*The eligible agency shall—*

(A) *develop the State plan in consultation with—*

(i) *representatives of secondary and postsecondary career and technical education programs, including eligible recipients and representatives of 2-year minority-serving institutions and historically Black colleges and universities and tribally controlled colleges or universities in States where such institutions are in existence, adult career and technical education providers, and charter school representatives in States where such schools are in existence, which shall include teachers, faculty, school leaders, specialized instructional support personnel, career and academic guidance counselors, and paraprofessionals;*

(ii) *interested community representatives, including parents, students, and community organizations;*

(iii) *representatives of the State workforce development board established under section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111) (referred to in this section as the ‘State board’);*

(iv) *members and representatives of special populations;*

(v) *representatives of business and industry (including representatives of small business), which shall include representatives of industry and sector partner-*

ships in the State, as appropriate, and representatives of labor organizations in the State;

(vi) representatives of agencies serving out-of-school youth, homeless children and youth, and at-risk youth, including the State Coordinator for Education of Homeless Children and Youths established or designated under section 722(d)(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(d)(3));

(vii) representatives of Indian Tribes and Tribal organizations located in, or providing services in, the State; and

(viii) individuals with disabilities; and

(B) consult the Governor of the State, and the heads of other State agencies with authority for career and technical education programs that are not the eligible agency, with respect to the development of the State plan.

(2) ACTIVITIES AND PROCEDURES.—The eligible agency shall develop effective activities and procedures, including access to information needed to use such procedures, to allow the individuals and entities described in paragraph (1) to participate in State and local decisions that relate to development of the State plan.

(3) CONSULTATION WITH THE GOVERNOR.—The consultation described in paragraph (1)(B) shall include meetings of officials from the eligible agency and the Governor's office and shall occur—

(A) during the development of such plan; and

(B) prior to submission of the plan to the Secretary.

(d) PLAN CONTENTS.—The State plan shall include—

(1) a summary of State-supported workforce development activities (including education and training) in the State, including the degree to which the State's career and technical education programs and programs of study are aligned with and address the education and skill needs of the employers in the State identified by the State board;

(2) the State's strategic vision and set of goals for preparing an educated and skilled workforce (including special populations) and for meeting the skilled workforce needs of employers, including in existing and emerging in-demand industry sectors and occupations as identified by the State, and how the State's career and technical education programs will help to meet these goals;

(3) a strategy for any joint planning, alignment, coordination, and leveraging of funds—

(A) between the State's career and technical education programs and programs of study with the State's workforce development system, to achieve the strategic vision and goals described in paragraph (2), including the core programs defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102) and the elements related to system alignment under section 102(b)(2)(B) of such Act (29 U.S.C. 3112(b)(2)(B)); and

(B) for programs carried out under this title with other Federal programs, which may include programs funded

under the Elementary and Secondary Education Act of 1965 and the Higher Education Act of 1965;

(4) a description of the career and technical education programs or programs of study that will be supported, developed, or improved at the State level, including descriptions of—

(A) the programs of study to be developed at the State level and made available for adoption by eligible recipients;

(B) the process and criteria to be used for approving locally developed programs of study or career pathways, including how such programs address State workforce development and education needs and the criteria to assess the extent to which the local application under section 132 will—

(i) promote continuous improvement in academic achievement and technical skill attainment;

(ii) expand access to career and technical education for special populations; and

(iii) support the alignment of employability skills;

(C) how the eligible agency will—

(i) make information on approved programs of study and career pathways (including career exploration, work-based learning opportunities, early college high schools, and dual or concurrent enrollment program opportunities) and guidance and advisement resources, available to students (and parents, as appropriate), representatives of secondary and postsecondary education, and special populations, and to the extent practicable, provide that information and those resources in a language students, parents, and educators can understand;

(ii) facilitate collaboration among eligible recipients in the development of career and technical education programs and programs of study and career pathways to ensure nonduplication of eligible recipients' development of programs of study and career pathways;

(iii) use State, regional, or local labor market data to determine alignment of eligible recipients' programs of study to the needs of the State, regional, or local economy, including in-demand industry sectors and occupations identified by the State board, and to align career and technical education with such needs, as appropriate;

(iv) ensure equal access to approved career and technical education programs of study and activities assisted under this Act for special populations;

(v) coordinate with the State board to support the local development of career pathways and articulate processes by which career pathways will be developed by local workforce development boards, as appropriate;

(vi) support effective and meaningful collaboration between secondary schools, postsecondary institutions, and employers to provide students with experience in, and understanding of, all aspects of an industry, which may include work-based learning such as in-

ternships, mentorships, simulated work environments, and other hands-on or inquiry-based learning activities; and

(vii) improve outcomes and reduce performance gaps for CTE concentrators, including those who are members of special populations; and

(D) how the eligible agency may include the opportunity for secondary school students to participate in dual or concurrent enrollment programs, early college high school, or competency-based education;

(5) a description of the criteria and process for how the eligible agency will approve eligible recipients for funds under this Act, including how—

(A) each eligible recipient will promote academic achievement;

(B) each eligible recipient will promote skill attainment, including skill attainment that leads to a recognized postsecondary credential; and

(C) each eligible recipient will ensure the comprehensive needs assessment under section 134(c) takes into consideration local economic and education needs, including, where appropriate, in-demand industry sectors and occupations;

(6) a description of how the eligible agency will support the recruitment and preparation of teachers, including special education teachers, faculty, school principals, administrators, specialized instructional support personnel, and paraprofessionals to provide career and technical education instruction, leadership, and support, including professional development that provides the knowledge and skills needed to work with and improve instruction for special populations;

(7) a description of how the eligible agency will use State leadership funds under section 124;

(8) a description of how funds received by the eligible agency through the allotment made under section 111 will be distributed—

(A) among career and technical education at the secondary level, or career and technical education at the postsecondary and adult level, or both, including how such distribution will most effectively provide students with the skills needed to succeed in the workplace; and

(B) among any consortia that may be formed among secondary schools and eligible institutions, and how funds will be distributed among the members of the consortia, including the rationale for such distribution and how it will most effectively provide students with the skills needed to succeed in the workplace;

(9) a description of the eligible agency's program strategies for special populations, including a description of how individuals who are members of special populations—

(A) will be provided with equal access to activities assisted under this Act;

(B) will not be discriminated against on the basis of status as a member of a special population;

(C) will be provided with programs designed to enable individuals who are members of special populations to meet or exceed State determined levels of performance described in section 113, and prepare special populations for further learning and for high-skill, high-wage, or in-demand industry sectors or occupations;

(D) will be provided with appropriate accommodations; and

(E) will be provided instruction and work-based learning opportunities in integrated settings that support competitive, integrated employment;

(10) a description of the procedure the eligible agency will adopt for determining State determined levels of performance described in section 113, which, at a minimum, shall include—

(A) a description of the process for public comment under section 113(b)(3)(B) as part of the development of the State determined levels of performance under section 113(b);

(B) an explanation of the State determined levels of performance; and

(C) a description of how the State determined levels of performance set by the eligible agency align with the levels, goals, and objectives of other Federal and State laws;

(11) a description of how the eligible agency will address disparities or gaps in performance, as described in section 113(b)(3)(C)(ii)(II), in each of the plan years, and if no meaningful progress has been achieved prior to the third program year, a description of the additional actions the eligible agency will take to eliminate these disparities or gaps;

(12) describes how the eligible agency will involve parents, academic and career and technical education teachers, administrators, faculty, career guidance and academic counselors, local business (including small businesses), labor organizations, and representatives of Indian Tribes and Tribal organizations, as appropriate, in the planning, development, implementation, and evaluation of such career and technical education programs; and

(13) assurances that—

(A) the eligible agency will comply with the requirements of this Act and the provisions of the State plan, including the provision of a financial audit of funds received under this Act, which may be included as part of an audit of other Federal or State programs;

(B) none of the funds expended under this Act will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the acquiring entity or the employees of the acquiring entity, or any affiliate of such an organization;

(C) the eligible agency will use the funds to promote preparation for high-skill, high-wage, or in-demand industry sectors or occupations and non-traditional fields, as identified by the eligible agency;

(D) the eligible agency will use the funds provided under this Act to implement career and technical education

programs and programs of study for individuals in State correctional institutions, including juvenile justice facilities; and

(E) the eligible agency will provide local educational agencies, area career and technical education schools, and eligible institutions in the State with technical assistance, including technical assistance on how to close gaps in student participation and performance in career and technical education programs; and

(14) a description of the opportunities for the public to comment in person and in writing on the State plan under this subsection.

(e) CONSULTATION.—

(1) IN GENERAL.—The eligible agency shall develop the portion of each State plan relating to the amount and uses of any funds proposed to be reserved for adult career and technical education, postsecondary career and technical education, and secondary career and technical education after consultation with—

(A) the State agency responsible for supervision of community colleges, technical institutes, other 2-year postsecondary institutions primarily engaged in providing postsecondary career and technical education, or, where applicable, institutions of higher education that are engaged in providing postsecondary career and technical education as part of their mission;

(B) the State agency responsible for secondary education; and

(C) the State agency responsible for adult education.

(2) OBJECTIONS OF STATE AGENCIES.—If a State agency other than the eligible agency finds that a portion of the final State plan is objectionable, that objection shall be filed together with the State plan. The eligible agency shall respond to any objections of such State agency in the State plan submitted to the Secretary.

(3) JOINT SIGNATURE AUTHORITY.—A Governor shall have 30 days prior to the eligible agency submitting the State plan to the Secretary to sign such plan. If the Governor has not signed the plan within 30 days of delivery by the eligible agency to the Governor, the eligible agency shall submit the plan to the Secretary without such signature.

(f) PLAN APPROVAL.—

(1) IN GENERAL.—Not later than 120 days after the eligible agency submits its State plan, the Secretary shall approve such State plan, or a revision of the plan under subsection (a)(2) (including a revision of State determined levels of performance in accordance with section 113(b)(3)(A)(iii)), if the Secretary determines that the State has submitted in its State plan State determined levels of performance that meet the criteria established in section 113(b)(3), including the minimum requirements described in section 113(b)(3)(A)(i)(III), unless the Secretary—

(A) determines that the State plan does not meet the requirements of this Act, including the minimum requirements as described in section 113(b)(3)(A)(i)(III); and

(B) meets the requirements of paragraph (2) with respect to such plan.

(2) *DISAPPROVAL.—The Secretary—*

(A) *shall have the authority to disapprove a State plan only if the Secretary—*

(i) *determines how the State plan fails to meet the requirements of this Act; and*

(ii) *provides to the eligible agency, in writing, notice of such determination and the supporting information and rationale to substantiate such determination; and*

(B) *shall not finally disapprove a State plan, except after making the determination and providing the information described in subparagraph (A), and giving the eligible agency notice and an opportunity for a hearing.*

* * * * *

SEC. 123. IMPROVEMENT PLANS.

(a) *STATE PROGRAM IMPROVEMENT.—*

(1) *PLAN.—If a State fails to meet at least 90 [percent of an agreed upon]percent of the [State adjusted level of performance]State determined level of performance for any of the core indicators of performance described in section [113(b)(3)] 113(b)(2) for all CTE concentrators, the eligible agency shall develop and implement a program improvement plan [(with special consideration to performance gaps identified under section 113(c)(2))](that includes an analysis of the performance disparities or gaps identified under section 113(b)(3)(C)(ii)(II), and actions that will be taken to address such gaps) in consultation with the appropriate agencies, individuals, and organizations during the first program year succeeding the program year for which the eligible agency failed to so meet the [State adjusted level of performance]State determined level of performance for any of the core indicators of performance.*

(2) *TECHNICAL ASSISTANCE.—If the Secretary determines that an eligible agency is not properly implementing the eligible agency's responsibilities under section 122, or is not making substantial progress in meeting the [purposes of this Act]purposes of this section, including after implementation of the improvement plan described in paragraph (1), based on the [State's adjusted levels of performance]State determined levels of performance, the Secretary shall work with the eligible agency to implement the improvement activities consistent with the requirements of this Act.*

(3) *SUBSEQUENT ACTION.—*

(A) *IN GENERAL.—The Secretary may, after notice and opportunity for a hearing, withhold from an eligible agency all, or a portion, of the eligible agency's allotment under paragraphs (2) and (3) of section 112(a) if the eligible agency—*

(i) *fails to implement an improvement plan as described in paragraph (1); or*

[(ii) *fails to make any improvement in meeting any of the State adjusted levels of performance for the core indicators of performance identified under para-*

graph (1) within the first program year of implementation of its improvement plan described in paragraph (1); or

[(iii) fails to meet at least 90 percent of an agreed upon State adjusted level of performance for the same core indicator of performance for 3 consecutive years.]

(ii) *with respect to any specific core indicator of performance that was identified in a program improvement plan under paragraph (1), fails to meet at least 90 percent of a State determined level of performance for such core indicator for 2 consecutive years.*

* * * * *

(5) *ADJUSTMENTS PROHIBITED.—An eligible agency shall not be eligible to adjust performance levels while executing an improvement plan under this section.*

* * * * *

(b) LOCAL PROGRAM IMPROVEMENT.—

(1) LOCAL EVALUATION.—Each eligible agency shall evaluate annually, using the local [adjusted] levels of performance described in section 113(b)(4), the career and technical education activities of each eligible recipient receiving funds under this title.

(2) PLAN.—If, after reviewing the evaluation in paragraph (1), the eligible agency determines that an eligible recipient failed to meet at least 90 percent of an agreed upon local [adjusted] level of performance for any of the core indicators of performance described in section 113(b)(4) *for all CTE concentrators*, the eligible recipient shall develop and implement a program improvement plan [(with special consideration to performance gaps identified under section 113(b)(4)(C)(ii)(II)) in consultation with the eligible agency,] *(that includes an analysis of the performance disparities or gaps identified under section 113(b)(3)(C)(ii)(II), and actions that will be taken to address such gaps) in consultation with local stakeholders described in section 134(d)(1), the eligible agency, and appropriate agencies, individuals, and organizations during the first program year succeeding the program year for which the eligible recipient failed to so meet any of the local [adjusted] levels of performance for any of the core indicators of performance.*

(3) TECHNICAL ASSISTANCE.—If the eligible agency determines that an eligible recipient is not properly implementing the eligible recipient's responsibilities under section 134, or is not making substantial progress in meeting the purposes of this Act, based on the local [adjusted] levels of performance, the eligible agency shall work with the eligible recipient to implement improvement activities consistent with the requirements of this Act.

(4) SUBSEQUENT ACTION.—

(A) IN GENERAL.—The eligible agency may, after notice and opportunity for a hearing, withhold from the eligible recipient all, or a portion, of the eligible recipient's allotment under this title if the eligible recipient—

(i) fails to implement an improvement plan as described in paragraph (2); or

[(ii) fails to make any improvement in meeting any of the local [adjusted] levels of performance for the core indicators of performance identified under paragraph (2) within the first program year of implementation of its improvement plan described in paragraph (2); or

[(iii) fails to meet at least 90 percent of an agreed upon local [adjusted] level of performance for the same core indicator of performance for 3 consecutive years.]

(ii) with respect to any specific core indicator of performance that was identified in a program improvement plan under paragraph (2), fails to meet at least 90 percent of the local level of performance for such core indicator for 2 consecutive years.

(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—In determining whether to impose sanctions under subparagraph (A), the eligible agency may waive imposing sanctions—

(i) due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the eligible recipient; [or]

(ii) based on the impact on the eligible recipient's reported performance of the small size of the career and technical education program operated by the eligible recipient[.]; or

(iii) in response to a public request from an eligible recipient, if the eligible agency determines that the requirements described in clause (i) or (ii) have been met.

(5) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—* * *

(6) ADJUSTMENTS PROHIBITED.—*An eligible recipient shall not be eligible to adjust performance levels while executing an improvement plan under this section.*

* * * * *

SEC. 124. STATE LEADERSHIP ACTIVITIES.

(a) GENERAL AUTHORITY.—From amounts reserved under section 112(a)(2), each eligible agency [shall conduct State leadership activities.]*shall—*

(1) conduct State leadership activities to improve career and technical education, which shall include support for—

(A) preparation for non-traditional fields in current and emerging professions, programs for special populations, and other activities that expose students, including special populations, to high-skill, high-wage, and in-demand occupations;

(B) individuals in State institutions, such as State correctional institutions, including juvenile justice facilities, and educational institutions that serve individuals with disabilities;

(C) recruiting, preparing, or retaining career and technical education teachers, faculty, specialized instructional support personnel, or paraprofessionals, such as preservice,

professional development, or leadership development programs; and

(D) technical assistance for eligible recipients; and

(2) report on the effectiveness of such use of funds in achieving the goals described in section 122(d)(2) and the State determined levels of performance described in section 113(b)(3)(A), and reducing disparities or performance gaps as described in section 113(b)(3)(C)(ii)(II).

(b) **【REQUIRED】**PERMISSIBLE USES OF FUNDS.—The State leadership activities described in subsection (a) **【shall】**may include—

【(1) an assessment of the career and technical education programs carried out with funds under this title, including an assessment of how the needs of special populations are being met and how the career and technical education programs are designed to enable special populations to meet State adjusted levels of performance and prepare the special populations for further education, further training, or for high skill, high wage, or high demand occupations;

【(2) developing, improving, or expanding the use of technology in career and technical education that may include—

【(A) training of career and technical education teachers, faculty, career guidance and academic counselors, and administrators to use technology, including distance learning;

【(B) providing career and technical education students with the academic and career and technical skills (including the mathematics and science knowledge that provides a strong basis for such skills) that lead to entry into technology fields, including non-traditional fields; or

【(C) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs;

【(3) professional development programs, including providing comprehensive professional development (including initial teacher preparation) for career and technical education teachers, faculty, administrators, and career guidance and academic counselors at the secondary and postsecondary levels, that support activities described in section 122 and—

【(A) provide in-service and preservice training in career and technical education programs—

【(i) on effective integration and use of challenging academic and career and technical education provided jointly with academic teachers to the extent practicable;

【(ii) on effective teaching skills based on research that includes promising practices;

【(iii) on effective practices to improve parental and community involvement; and

【(iv) on effective use of scientifically based research and data to improve instruction;

【(B) are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom, and are not 1-day or short-term workshops or conferences;

[(C) will help teachers and personnel to improve student achievement in order to meet the State adjusted levels of performance established under section 113;

[(D) will support education programs for teachers of career and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to career and technical education students to ensure that teachers and personnel—

[(i) stay current with the needs, expectations, and methods of industry;

[(ii) can effectively develop rigorous and challenging, integrated academic and career and technical education curricula jointly with academic teachers, to the extent practicable;

[(iii) develop a higher level of academic and industry knowledge and skills in career and technical education; and

[(iv) effectively use applied learning that contributes to the academic and career and technical knowledge of the student; and

[(E) are coordinated with the teacher certification or licensing and professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965;

[(4) supporting career and technical education programs that improve the academic and career and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical components of such career and technical education programs, through the integration of coherent and relevant content aligned with challenging academic standards and relevant career and technical education, to ensure achievement in—

[(A) a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965); and

[(B) career and technical education subjects;

[(5) providing preparation for non-traditional fields in current and emerging professions, and other activities that expose students, including special populations, to high skill, high wage occupations;

[(6) supporting partnerships among local educational agencies, institutions of higher education, adult education providers, and, as appropriate, other entities, such as employers, labor organizations, intermediaries, parents, and local partnerships, to enable students to achieve State academic standards, and career and technical skills, or complete career and technical programs of study, as described in section 122(c)(1)(A);

[(7) serving individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities;

[(8) support for programs for special populations that lead to high skill, high wage, or high demand occupations; and

[(9) technical assistance for eligible recipients.]

(1) *developing statewide programs of study, which may include standards, curriculum, and course development, and career exploration, guidance, and advisement activities and resources;*

(2) *approving locally developed programs of study that meet the requirements established in section 122(d)(4)(B);*

(3) *establishing statewide articulation agreements aligned to approved programs of study;*

(4) *establishing statewide industry or sector partnerships among local educational agencies, institutions of higher education, adult education providers, Indian Tribes and Tribal organizations that may be present in the State, employers, including small businesses, and parents, as appropriate to—*

(A) *develop and implement programs of study aligned to State and local economic and education needs, including, as appropriate, in-demand industry sectors and occupations;*

(B) *facilitate the establishment, expansion, and integration of opportunities for students at the secondary level to—*

(i) *successfully complete coursework that integrates rigorous and challenging technical and academic instruction aligned with the challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and*

(ii) *earn a recognized postsecondary credential or credit toward a recognized postsecondary credential, which may be earned through a dual or concurrent enrollment program or early college high school, at no cost to the student or the student's family; and*

(C) *facilitate work-based learning opportunities (including internships, externships, and simulated work environments) into programs of study;*

(5) *for teachers, faculty, specialized instructional support personnel, and paraprofessionals providing career and technical education instruction, support services, and specialized instructional support services, high-quality comprehensive professional development that is, to the extent practicable, grounded in evidence-based research (to the extent a State determines that such evidence is reasonably available) that identifies the most effective educator professional development process and is coordinated and aligned with other professional development activities carried out by the State (including under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965), including programming that—*

(A) *promotes the integration of the challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and relevant technical knowledge and skills, including programming jointly delivered to academic and career and technical education teachers;*

(B) *prepares career and technical education teachers, faculty, specialized instructional support personnel, and paraprofessionals to provide appropriate accommodations*

for students who are members of special populations, including through the use of principles of universal design for learning, multi-tier systems of supports, and positive behavioral interventions and support; and

(C) increases the ability of teachers, faculty, specialized instructional support personnel, and paraprofessionals providing career and technical education instruction to stay current with industry standards and earn an industry-recognized credential or license, as appropriate;

(6) supporting eligible recipients in eliminating inequities in student access to—

(A) high-quality programs of study that provide skill development; and

(B) effective teachers, faculty, specialized instructional support personnel, and paraprofessionals;

(7) awarding incentive grants to eligible recipients—

(A) for exemplary performance in carrying out programs under this Act, which awards shall be based on—

(i) eligible recipients exceeding the local level of performance on a core indicator of performance established under section 113(b)(4)(A) in a manner that reflects sustained or significant improvement;

(ii) eligible recipients effectively developing connections between secondary education and postsecondary education and training;

(iii) the integration of academic and technical standards;

(iv) eligible recipients' progress in closing achievement gaps among subpopulations who participate in programs of study; or

(v) other factors relating to the performance of eligible recipients under this Act as the eligible agency determines are appropriate; or

(B) if an eligible recipient elects to use funds as permitted under section 135(c);

(8) providing support for—

(A) the adoption and integration of recognized postsecondary credentials and work-based learning into programs of study, and for increasing data collection associated with recognized postsecondary credentials and employment outcomes; or

(B) consultation and coordination with other State agencies for the identification and examination of licenses or certifications that—

(i) pose an unwarranted barrier to entry into the workforce for career and technical education students; and

(ii) do not protect the health, safety, or welfare of consumers;

(9) the creation, implementation, and support of pay for success initiatives leading to a recognized postsecondary credential;

(10) support for career and technical education programs for adults and out-of-school youth concurrent with their comple-

tion of their secondary school education in a school or other educational setting;

(11) the creation, evaluation, and support of competency-based curricula;

(12) support for the development, implementation, and expansion of programs of study or career pathways in areas declared to be in a state of emergency under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191);

(13) partnering with qualified intermediaries to improve training, the development of public-private partnerships, systems development, capacity-building, and scalability of the delivery of high-quality career and technical education;

(14) improvement of career guidance and academic counseling programs that assist students in making informed academic and career and technical education decisions, including academic and financial aid counseling;

(15) support for the integration of employability skills into career and technical education programs and programs of study;

(16) support for programs and activities that increase access, student engagement, and success in science, technology, engineering, and mathematics fields (including computer science, coding, and architecture), support for the integration of arts and design skills, and support for hands-on learning, particularly for students who are members of groups underrepresented in such subject fields, such as female students, minority students, and students who are members of special populations;

(17) support for career and technical student organizations, especially with respect to efforts to increase the participation of students in nontraditional fields and students who are members of special populations;

(18) support for establishing and expanding work-based learning opportunities that are aligned to career and technical education programs and programs of study;

(19) integrating and aligning programs of study and career pathways;

(20) supporting the use of career and technical education programs and programs of study aligned with State, regional, or local in-demand industry sectors or occupations identified by the State workforce development board described in section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111) or local workforce development boards;

(21) making all forms of instructional content widely available, which may include use of open educational resources;

(22) developing valid and reliable assessments of competencies and technical skills and enhancing data systems to collect and analyze data on secondary and postsecondary academic and employment outcomes;

(23) support for accelerated learning programs, as described in section 4104(b)(3)(A)(i)(IV) of the Elementary and Secondary Education Act of 1965, in the case of any such program that is part of a career and technical education program of study;

(24) *support for career academies to implement a postsecondary education and workforce-ready curriculum at the secondary education level that integrates rigorous academic, technical, and employability contents through career and technical education programs and programs of study that address needs described in the comprehensive needs assessment under section 134(c); and*

(25) *other State leadership activities that improve career and technical education.*

[(c) PERMISSIBLE USES OF FUNDS.—The leadership activities described in subsection (a) may include—

[(1) improvement of career guidance and academic counseling programs that assist students in making informed academic and career and technical education decisions, including—

[(A) encouraging secondary and postsecondary students to graduate with a diploma or degree; and

[(B) exposing students to high skill, high wage occupations and non-traditional fields;

[(2) establishment of agreements, including articulation agreements, between secondary school and postsecondary career and technical education programs in order to provide postsecondary education and training opportunities for students participating in such career and technical education programs, such as tech prep programs;

[(3) support for initiatives to facilitate the transition of subbaccalaureate career and technical education students into baccalaureate degree programs, including—

[(A) statewide articulation agreements between associate degree granting career and technical postsecondary educational institutions and baccalaureate degree granting postsecondary educational institutions;

[(B) postsecondary dual and concurrent enrollment programs;

[(C) academic and financial aid counseling; and

[(D) other initiatives—

[(i) to encourage the pursuit of a baccalaureate degree; and

[(ii) to overcome barriers to participation in baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;

[(4) support for career and technical student organizations, especially with respect to efforts to increase the participation of students who are members of special populations;

[(5) support for public charter schools operating career and technical education programs;

[(6) support for career and technical education programs that offer experience in, and understanding of, all aspects of an industry for which students are preparing to enter;

[(7) support for family and consumer sciences programs;

[(8) support for partnerships between education and business or business intermediaries, including cooperative education and adjunct faculty arrangements at the secondary and postsecondary levels;

[(9) support to improve or develop new career and technical education courses and initiatives, including career clusters, career academies, and distance education, that prepare individuals academically and technically for high skill, high wage, or high demand occupations;

[(10) awarding incentive grants to eligible recipients—

[(A) for exemplary performance in carrying out programs under this Act, which awards shall be based on—

[(i) eligible recipients exceeding the local adjusted levels of performance established under section 113(b) in a manner that reflects sustained or significant improvement;

[(ii) eligible recipients effectively developing connections between secondary education and postsecondary education and training;

[(iii) the adoption and integration of coherent and rigorous content aligned with challenging academic standards and technical coursework;

[(iv) eligible recipients' progress in having special populations who participate in career and technical education programs meet local adjusted levels of performance; or

[(v) other factors relating to the performance of eligible recipients under this Act as the eligible agency determines are appropriate; or

[(B) if an eligible recipient elects to use funds as permitted under section 135(c)(19);

[(11) providing for activities to support entrepreneurship education and training;

[(12) providing career and technical education programs for adults and school dropouts to complete their secondary school education, in coordination, to the extent practicable, with activities authorized under the Adult Education and Family Literacy Act;

[(13) providing assistance to individuals, who have participated in services and activities under this title, in continuing the individuals' education or training or finding appropriate jobs, such as through referral to the system established under section 121 of the Workforce Innovation and Opportunity Act;

[(14) developing valid and reliable assessments of technical skills;

[(15) developing and enhancing data systems to collect and analyze data on secondary and postsecondary academic and employment outcomes;

[(16) improving—

[(A) the recruitment and retention of career and technical education teachers, faculty, administrators, and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession; and

[(B) the transition to teaching from business and industry, including small business; and

[(17) support for occupational and employment information resources, such as those described in section 118.]

[(d)](c) RESTRICTION ON USES OF FUNDS.—An eligible agency that receives funds under section 112(a)(2) may not use any of such funds for administrative costs[.], *except for technical assistance.*

* * * * *

PART C—LOCAL PROVISIONS

SEC. 131. DISTRIBUTION OF FUNDS TO SECONDARY EDUCATION PROGRAMS.

(a) DISTRIBUTION RULES.—Except as provided in section 133 and as otherwise provided in this section, each eligible agency shall distribute the portion of funds made available under section 112(a)(1) to carry out this section to local educational agencies within the State as follows:

(1) THIRTY PERCENT.—* * *

* * * * *

(3) ADJUSTMENTS.—Each eligible agency, in making the allocations under paragraphs (1) and (2), shall adjust the data used to make the allocations to—

(A) * * *

(B) include local educational agencies without geographical boundaries, such as charter schools and secondary schools funded by the [Bureau of Indian Affairs] *Bureau of Indian Education.*

* * * * *

(c) MINIMUM ALLOCATION.—

(1) IN GENERAL.—* * *

(2) WAIVER.—The eligible agency shall waive the application of paragraph (1) in any case in which the local educational agency—

(A)(i) is located in a rural, sparsely populated area; or

(ii) is a public charter school operating secondary school career and technical education programs *or programs of study*; and

(B) * * *

* * * * *

(g) DATA.—The Secretary shall collect information from eligible agencies regarding the specific dollar allocations made available by the eligible agency for career and technical education programs *and programs of study* under subsections (a), (b), (c), (d), and (e) and how these allocations are distributed to local educational agencies, area career and technical education schools, and educational service agencies, within the State in accordance with this section.

(h) SPECIAL RULE.—Each eligible agency distributing funds under this section shall treat a secondary school funded by the [Bureau of Indian Affairs] *Bureau of Indian Education* within the State as if such school were a local educational agency within the State for the purpose of receiving a distribution under this section.

* * * * *

SEC. 133. SPECIAL RULES FOR CAREER AND TECHNICAL EDUCATION.

(a) SPECIAL RULE FOR MINIMAL ALLOCATION.—

(1) GENERAL AUTHORITY.—* * *

* * * * *

(c) CONSTRUCTION.—Nothing in section 131 or 132 shall be construed—

(1) to prohibit a local educational agency or a consortium thereof that receives assistance under section 131, from working with an eligible institution or consortium thereof that receives assistance under section 132, to carry out career and technical education programs *or programs of study* at the secondary level in accordance with this title;

(2) to prohibit an eligible institution or consortium thereof that receives assistance under section 132, from working with a local educational agency or consortium thereof that receives assistance under section 131, to carry out postsecondary and adult career and technical education programs *or programs of study* in accordance with this title; or

(3) to require a charter school, that provides career and technical education programs *or programs of study* and is considered a local educational agency under State law, to jointly establish the charter school's eligibility for assistance under this title unless the charter school is explicitly permitted to do so under the State's charter school statute.

(d) CONSISTENT APPLICATION.—For purposes of this section, the eligible agency shall provide funds to charter schools offering career and technical education programs *or programs of study* in the same manner as the eligible agency provides those funds to other schools. Such career and technical education programs within a charter school shall be of sufficient size, scope, and quality to be effective.

* * * * *

SEC. 134. [LOCAL PLAN]LOCAL APPLICATION FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.

(a) [LOCAL PLAN]LOCAL APPLICATION Required.—Any eligible recipient desiring financial assistance under this part shall, in accordance with requirements established by the eligible agency (in consultation with such other educational training entities as the eligible agency determines to be appropriate) [submit a local plan]*submit a local application* to the eligible agency. [Such local plan]*Such local application* shall cover the same period of time as the period of time applicable to the State plan submitted under section 122.

[(b) CONTENTS.—The eligible agency shall determine the requirements for local plans, except that each local plan shall—

[(1) describe how the career and technical education programs required under section 135(b) will be carried out with funds received under this title;

[(2) describe how the career and technical education activities will be carried out with respect to meeting State and local adjusted levels of performance established under section 113;

[(3) describe how the eligible recipient will—

[(A) offer the appropriate courses of not less than 1 of the career and technical programs of study described in section 122(c)(1)(A);

[(B) improve the academic and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of coherent and rigorous content aligned with challenging academic standards and relevant career and technical education programs to ensure learning in—

[(i) a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965); and

[(ii) career and technical education subjects;

[(C) provide students with strong experience in, and understanding of, all aspects of an industry;

[(D) ensure that students who participate in such career and technical education programs are taught to the same coherent and rigorous content aligned with challenging academic standards as are taught to all other students; and

[(E) encourage career and technical education students at the secondary level to enroll in rigorous and challenging courses in order to provide a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965);

[(4) describe how comprehensive professional development (including initial teacher preparation) for career and technical education, academic, guidance, and administrative personnel will be provided that promotes the integration of coherent and rigorous content aligned with challenging academic standards and relevant career and technical education (including curriculum development);

[(5) describe how parents, students, academic and career and technical education teachers, faculty, administrators, career guidance and academic counselors, representatives of tech prep consortia (if applicable), representatives of the entities participating in activities described in section 107 of the Workforce Innovation and Opportunity Act (if applicable), representatives of business (including small business) and industry, labor organizations, representatives of special populations, and other interested individuals are involved in the development, implementation, and evaluation of career and technical education programs assisted under this title, and how such individuals and entities are effectively informed about, and assisted in understanding, the requirements of this title, including career and technical programs of study;

[(6) provide assurances that the eligible recipient will provide a career and technical education program that is of such size, scope, and quality to bring about improvement in the quality of career and technical education programs;

[(7) describe the process that will be used to evaluate and continuously improve the performance of the eligible recipient;

[(8) describe how the eligible recipient will—

[(A) review career and technical education programs, and identify and adopt strategies to overcome barriers that result in lowering rates of access to or lowering success in the programs, for special populations;

[(B) provide programs that are designed to enable the special populations to meet the local adjusted levels of performance; and

[(C) provide activities to prepare special populations, including single parents and displaced homemakers, for high skill, high wage, or high demand occupations that will lead to self-sufficiency;

[(9) describe how individuals who are members of special populations will not be discriminated against on the basis of their status as members of the special populations;

[(10) describe how funds will be used to promote preparation for non-traditional fields;

[(11) describe how career guidance and academic counseling will be provided to career and technical education students, including linkages to future education and training opportunities; and

[(12) describe efforts to improve—

[(A) the recruitment and retention of career and technical education teachers, faculty, and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession; and

[(B) the transition to teaching from business and industry.]

(b) *CONTENTS.*—*The eligible agency shall determine the requirements for local applications, except that each local application shall contain—*

(1) a description of the results of the comprehensive needs assessment conducted under subsection (c);

(2) information on the career and technical education course offerings and activities, which shall include not less than 1 program of study approved by a State under section 124(b)(2) and supported by the eligible recipient with funds under this part, including—

(A) how the results of the comprehensive needs assessment described in subsection (c) informed the selection of the specific career and technical education programs and activities selected to be funded;

(B) a description of any new programs of study the eligible recipient will develop and submit to the State for approval; and

(C) how students, including students who are members of special populations, will learn about their school's career and technical education course offerings and whether each course is part of a career and technical education program of study;

(3) a description of how the eligible recipient, in collaboration with local workforce development boards and other local workforce agencies, one-stop delivery systems described in section 121(e)(2) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3151(e)(2)), and other partners, will provide—

(A) career exploration and career development coursework, activities, or services;

(B) career information on employment opportunities that incorporate the most up-to-date information on in-demand industry sectors or occupations, as determined by the

comprehensive needs assessment described in subsection (c); and

(C) an organized system of career guidance and academic counseling to students before enrolling and while participating in a career and technical education program;

(4) a description of how the eligible recipient will improve the academic and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of coherent and rigorous content aligned with challenging academic standards and relevant career and technical education programs to ensure learning in the subjects that constitute a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965);

(5) a description of how the eligible recipient will—

(A) provide activities to prepare special populations for high-skill, high-wage, or in-demand industry sectors or occupations that will lead to self-sufficiency;

(B) prepare CTE participants for non-traditional fields;

(C) provide equal access for special populations to career and technical education courses, programs, and programs of study; and

(D) ensure that members of special populations will not be discriminated against on the basis of their status as members of special populations;

(6) a description of the work-based learning opportunities that the eligible recipient will provide to students participating in career and technical education programs and how the recipient will work with representatives from employers to develop or expand work-based learning opportunities for career and technical education students, as applicable;

(7) a description of how the eligible recipient will provide students participating in career and technical education programs with the opportunity to gain postsecondary credit while still attending high school, such as through dual or concurrent enrollment programs or early college high school, as practicable;

(8) a description of how the eligible recipient will coordinate with the eligible agency and institutions of higher education to support the recruitment, preparation, retention, and training, including professional development, of teachers, faculty, administrators, and specialized instructional support personnel and paraprofessionals who meet applicable State certification and licensure requirements (including any requirements met through alternative routes to certification), including individuals from groups underrepresented in the teaching profession; and

(9) a description of how the eligible recipient will address disparities or gaps in performance as described in section 113(b)(3)(C)(ii)(II) in each of the plan years, and if no meaningful progress has been achieved prior to the third program year, a description of the additional actions such recipient will take to eliminate those disparities or gaps.

(c) COMPREHENSIVE NEEDS ASSESSMENT.—

(1) *IN GENERAL.*—To be eligible to receive financial assistance under this part, an eligible recipient shall—

(A) conduct a comprehensive local needs assessment related to career and technical education and include the results of the needs assessment in the local application submitted under subsection (a); and

(B) not less than once every 2 years, update such comprehensive local needs assessment.

(2) *REQUIREMENTS.*—The comprehensive local needs assessment described in paragraph (1) shall include each of the following:

(A) An evaluation of the performance of the students served by the eligible recipient with respect to State determined and local levels of performance established pursuant to section 113, including an evaluation of performance for special populations and each subgroup described in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965.

(B) A description of how career and technical education programs offered by the eligible recipient are—

(i) sufficient in size, scope, and quality to meet the needs of all students served by the eligible recipient; and

(ii)(I) aligned to State, regional, Tribal, or local in-demand industry sectors or occupations identified by the State workforce development board described in section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111) (referred to in this section as the “State board”) or local workforce development board, including career pathways, where appropriate; or

(II) designed to meet local education or economic needs not identified by State boards or local workforce development boards.

(C) An evaluation of progress toward the implementation of career and technical education programs and programs of study.

(D) A description of how the eligible recipient will improve recruitment, retention, and training of career and technical education teachers, faculty, specialized instructional support personnel, paraprofessionals, and career guidance and academic counselors, including individuals in groups underrepresented in such professions.

(E) A description of progress toward implementation of equal access to high-quality career and technical education courses and programs of study for all students, including—

(i) strategies to overcome barriers that result in lower rates of access to, or performance gaps in, the courses and programs for special populations;

(ii) providing programs that are designed to enable special populations to meet the local levels of performance; and

(iii) providing activities to prepare special populations for high-skill, high-wage, or in-demand indus-

try sectors or occupations in competitive, integrated settings that will lead to self-sufficiency.

(d) *CONSULTATION.—In conducting the comprehensive needs assessment under subsection (c), and developing the local application described in subsection (b), an eligible recipient shall involve a diverse body of stakeholders, including, at a minimum—*

(1) representatives of career and technical education programs in a local educational agency or educational service agency, including teachers, career guidance and academic counselors, principals and other school leaders, administrators, and specialized instructional support personnel and paraprofessionals;

(2) representatives of career and technical education programs at postsecondary educational institutions, including faculty and administrators;

(3) representatives of the State board or local workforce development boards and a range of local or regional businesses or industries;

(4) parents and students;

(5) representatives of special populations;

(6) representatives of regional or local agencies serving out-of-school youth, homeless children and youth, and at-risk youth (as defined in section 1432 of the Elementary and Secondary Education Act of 1965);

(7) representatives of Indian Tribes and Tribal organizations in the State, where applicable; and

(8) any other stakeholders that the eligible agency may require the eligible recipient to consult.

(e) *CONTINUED CONSULTATION.—An eligible recipient receiving financial assistance under this part shall consult with stakeholders described in subsection (d) on an ongoing basis, as determined by the eligible agency. This may include consultation in order to—*

(1) provide input on annual updates to the comprehensive needs assessment required under subsection (c)(1)(B);

(2) ensure programs of study are—

(A) responsive to community employment needs;

(B) aligned with employment priorities in the State, regional, tribal, or local economy identified by employers and the entities described in subsection (d), which may include in-demand industry sectors or occupations identified by the local workforce development board;

(C) informed by labor market information, including information provided under section 15(e)(2)(C) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)(2)(C));

(D) designed to meet current, intermediate, or long-term labor market projections; and

(E) allow employer input, including input from industry or sector partnerships in the local area, where applicable, into the development and implementation of programs of study to ensure such programs of study align with skills required by local employment opportunities, including activities such as the identification of relevant standards, curriculum, industry-recognized credentials, and current technology and equipment;

(3) *identify and encourage opportunities for work-based learning; and*

(4) *ensure funding under this part is used in a coordinated manner with other local resources.*

* * * * *

[SEC. 135. LOCAL USES OF FUNDS.

[(a) GENERAL AUTHORITY.—Each eligible recipient that receives funds under this part shall use such funds to improve career and technical education programs.

[(b) REQUIREMENTS FOR USES OF FUNDS.—Funds made available to eligible recipients under this part shall be used to support career and technical education programs that—

[(1) strengthen the academic and career and technical skills of students participating in career and technical education programs, by strengthening the academic and career and technical education components of such programs through the integration of academics with career and technical education programs through a coherent sequence of courses, such as career and technical programs of study described in section 122(c)(1)(A), to ensure learning in—

[(A) a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965); and

[(B) career and technical education subjects;

[(2) link career and technical education at the secondary level and career and technical education at the postsecondary level, including by offering the relevant elements of not less than 1 career and technical program of study described in section 122(c)(1)(A);

[(3) provide students with strong experience in and understanding of all aspects of an industry, which may include work-based learning experiences;

[(4) develop, improve, or expand the use of technology in career and technical education, which may include—

[(A) training of career and technical education teachers, faculty, and administrators to use technology, which may include distance learning;

[(B) providing career and technical education students with the academic and career and technical skills (including the mathematics and science knowledge that provides a strong basis for such skills) that lead to entry into the technology fields; or

[(C) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs, including programs that improve the mathematics and science knowledge of students;

[(5) provide professional development programs that are consistent with section 122 to secondary and postsecondary teachers, faculty, administrators, and career guidance and academic counselors who are involved in integrated career and technical education programs, including—

[(A) in-service and preservice training on—

[(i) effective integration and use of challenging academic and career and technical education provided

jointly with academic teachers to the extent practicable;

[(ii) effective teaching skills based on research that includes promising practices;

[(iii) effective practices to improve parental and community involvement; and

[(iv) effective use of scientifically based research and data to improve instruction;

[(B) support of education programs for teachers of career and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to career and technical education students, to ensure that such teachers and personnel stay current with all aspects of an industry;

[(C) internship programs that provide relevant business experience; and

[(D) programs designed to train teachers specifically in the effective use and application of technology to improve instruction;

[(6) develop and implement evaluations of the career and technical education programs carried out with funds under this title, including an assessment of how the needs of special populations are being met;

[(7) initiate, improve, expand, and modernize quality career and technical education programs, including relevant technology;

[(8) provide services and activities that are of sufficient size, scope, and quality to be effective; and

[(9) provide activities to prepare special populations, including single parents and displaced homemakers who are enrolled in career and technical education programs, for high skill, high wage, or high demand occupations that will lead to self-sufficiency.

[(c) PERMISSIVE.—Funds made available to an eligible recipient under this title may be used—

[(1) to involve parents, businesses, and labor organizations as appropriate, in the design, implementation, and evaluation of career and technical education programs authorized under this title, including establishing effective programs and procedures to enable informed and effective participation in such programs;

[(2) to provide career guidance and academic counseling, which may include information described in section 118, for students participating in career and technical education programs, that—

[(A) improves graduation rates and provides information on postsecondary and career options, including baccalaureate degree programs, for secondary students, which activities may include the use of graduation and career plans; and

[(B) provides assistance for postsecondary students, including for adult students who are changing careers or updating skills;

[(3) for local education and business (including small business) partnerships, including for—

[(A) work-related experiences for students, such as internships, cooperative education, school-based enterprises, entrepreneurship, and job shadowing that are related to career and technical education programs;

[(B) adjunct faculty arrangements for qualified industry professionals; and

[(C) industry experience for teachers and faculty;

[(4) to provide programs for special populations;

[(5) to assist career and technical student organizations;

[(6) for mentoring and support services;

[(7) for leasing, purchasing, upgrading or adapting equipment, including instructional aids and publications (including support for library resources) designed to strengthen and support academic and technical skill achievement;

[(8) for teacher preparation programs that address the integration of academic and career and technical education and that assist individuals who are interested in becoming career and technical education teachers and faculty, including individuals with experience in business and industry;

[(9) to develop and expand postsecondary program offerings at times and in formats that are accessible for students, including working students, including through the use of distance education;

[(10) to develop initiatives that facilitate the transition of subbaccalaureate career and technical education students into baccalaureate degree programs, including—

[(A) articulation agreements between sub-baccalaureate degree granting career and technical education postsecondary educational institutions and baccalaureate degree granting postsecondary educational institutions;

[(B) postsecondary dual and concurrent enrollment programs;

[(C) academic and financial aid counseling for sub-baccalaureate career and technical education students that informs the students of the opportunities for pursuing a baccalaureate degree and advises the students on how to meet any transfer requirements; and

[(D) other initiatives—

[(i) to encourage the pursuit of a baccalaureate degree; and

[(ii) to overcome barriers to enrollment in and completion of baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;

[(11) to provide activities to support entrepreneurship education and training;

[(12) for improving or developing new career and technical education courses, including the development of new proposed career and technical programs of study for consideration by the eligible agency and courses that prepare individuals academically and technically for high skill, high wage, or high demand occupations and dual or concurrent enrollment opportunities by which career and technical education students at the secondary level could obtain postsecondary credit to count towards an associate or baccalaureate degree;

[(13) to develop and support small, personalized career-themed learning communities;

[(14) to provide support for family and consumer sciences programs;

[(15) to provide career and technical education programs for adults and school dropouts to complete the secondary school education, or upgrade the technical skills, of the adults and school dropouts;

[(16) to provide assistance to individuals who have participated in services and activities under this Act in continuing their education or training or finding an appropriate job, such as through referral to the system established under section 121 of the Workforce Innovation and Opportunity Act;

[(17) to support training and activities (such as mentoring and outreach) in non-traditional fields;

[(18) to provide support for training programs in automotive technologies;

[(19) to pool a portion of such funds with a portion of funds available to not less than 1 other eligible recipient for innovative initiatives, which may include—

[(A) improving the initial preparation and professional development of career and technical education teachers, faculty, administrators, and counselors;

[(B) establishing, enhancing, or supporting systems for—

[(i) accountability data collection under this Act;

or

[(ii) reporting data under this Act;

[(C) implementing career and technical education programs of study described in section 122(c)(1)(A); or

[(D) implementing technical assessments; and

[(20) to support other career and technical education activities that are consistent with the purpose of this Act.

[(d) ADMINISTRATIVE COSTS.—Each eligible recipient receiving funds under this part shall not use more than 5 percent of the funds for administrative costs associated with the administration of activities assisted under this section.]

SEC. 135. LOCAL USES OF FUNDS.

(a) *GENERAL AUTHORITY.*—Each eligible recipient that receives funds under this part shall use such funds to develop, coordinate, implement, or improve career and technical education programs to meet the needs identified in the comprehensive needs assessment described in section 134(c).

(b) *REQUIREMENTS FOR USES OF FUNDS.*—Funds made available to eligible recipients under this part shall be used to support career and technical education programs that are of sufficient size, scope, and quality to be effective and that—

(1) provide career exploration and career development activities through an organized, systematic framework designed to aid students, including in the middle grades, before enrolling and while participating in a career and technical education program, in making informed plans and decisions about future education and career opportunities and programs of study, which may include—

(A) introductory courses or activities focused on career exploration and career awareness, including non-traditional fields;

(B) readily available career and labor market information, including information on—

(i) occupational supply and demand;

(ii) educational requirements;

(iii) other information on careers aligned to State, local, or Tribal (as applicable) economic priorities; and

(iv) employment sectors;

(C) programs and activities related to the development of student graduation and career plans;

(D) career guidance and academic counselors that provide information on postsecondary education and career options;

(E) any other activity that advances knowledge of career opportunities and assists students in making informed decisions about future education and employment goals, including non-traditional fields; or

(F) providing students with strong experience in, and comprehensive understanding of, all aspects of industry;

(2) provide professional development for teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, or paraprofessionals, as appropriate, with respect to content and pedagogy and support activities described in section 122, which may include—

(A) supporting individualized academic and career and technical education instructional approaches, including the integration of academic and career and technical education standards and curricula;

(B) ensuring labor market information is used to inform the programs, guidance, and advisement offered to students, including information provided under section 15(e)(2)(C) of the Wagner-Peyser Act (29 U.S.C. 491-2(e)(2)(C));

(C) providing teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, or paraprofessionals, as appropriate, with opportunities to advance knowledge, skills, and understanding of all aspects of an industry, including the latest workplace equipment, technologies, standards, and credentials;

(D) supporting school leaders and administrators in managing career and technical education programs in the schools, institutions, or local educational agencies of such school leaders or administrators;

(E) supporting the implementation of strategies to improve student achievement and close gaps in student participation and performance in career and technical education programs;

(F) providing teachers, faculty, specialized instructional support personnel, career guidance and academic counselors, principals, school leaders, or paraprofessionals, as appropriate, with opportunities to advance knowledge,

skills, and understanding in pedagogical practices, including, to the extent the eligible recipient determines that such evidence is reasonably available, evidence-based pedagogical practices;

(G) training teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, or paraprofessionals, as appropriate, to provide appropriate accommodations for individuals with disabilities, and students with disabilities who are provided accommodations under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) or the Individuals with Disabilities Education Act;

(H) training teachers, faculty, specialized instructional support personnel, career guidance and academic counselors, and paraprofessionals in frameworks to effectively teach students, including a particular focus on students with disabilities and English learners, which may include universal design for learning, multi-tier systems of supports, and positive behavioral interventions and support; or

(I) training for the effective use of community spaces that provide access to tools, technology, and knowledge for learners and entrepreneurs, such as makerspaces or libraries;

(3) provide within career and technical education—

(A) the skills necessary to pursue high-skill, high-wage, or in-demand industry sectors or occupations; and

(B) support to reduce or eliminate out-of-pocket expenses for special populations participating in career and technical education, including those participating in dual or concurrent enrollment programs or early college high school programs, and supporting the costs associated with fees, transportation, child care, or mobility challenges for those special populations;

(4) support integration of academic skills into career and technical education programs and programs of study to support—

(A) CTE participants at the secondary school level in meeting the challenging State academic standards adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 by the State in which the eligible recipient is located; and

(B) CTE participants at the postsecondary level in achieving academic skills;

(5) plan and carry out elements that support the implementation of career and technical education programs and programs of study and that result in increasing student achievement of the local levels of performance established under section 113, which may include—

(A) a curriculum aligned with the requirements for a program of study;

(B) sustainable relationships among education, business and industry, and other community stakeholders, including industry or sector partnerships in the local area, where applicable, that are designed to facilitate the process of continuously updating and aligning programs of study

with skills that are in demand in the State, regional, or local economy, and in collaboration with business outreach staff in one-stop centers, as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102), and other appropriate organizations, including community-based and youth-serving organizations;

(C) where appropriate, expanding opportunities for CTE concentrators to participate in accelerated learning programs (as described in section 4104(b)(3)(A)(i)(IV) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7114(b)(3)(A)(i)(IV)), including dual or concurrent enrollment programs, early college high schools, and the development or implementation of articulation agreements as part of a career and technical education program of study;

(D) appropriate equipment, technology, and instructional materials (including support for library resources) aligned with business and industry needs, including machinery, testing equipment, tools, implements, hardware and software, and other new and emerging instructional materials;

(E) a continuum of work-based learning opportunities, including simulated work environments;

(F) industry-recognized certification examinations or other assessments leading toward a recognized postsecondary credential;

(G) efforts to recruit and retain career and technical education program teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, and paraprofessionals;

(H) where applicable, coordination with other education and workforce development programs and initiatives, including career pathways and sector partnerships developed under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) and other Federal laws and initiatives that provide students with transition-related services, including the Individuals with Disabilities Education Act;

(I) expanding opportunities for students to participate in distance career and technical education and blended-learning programs;

(J) expanding opportunities for students to participate in competency-based education programs;

(K) improving career guidance and academic counseling programs that assist students in making informed academic and career and technical education decisions, including academic and financial aid counseling;

(L) supporting the integration of employability skills into career and technical education programs and programs of study, including through family and consumer science programs;

(M) supporting programs and activities that increase access, student engagement, and success in science, technology, engineering, and mathematics fields (including

computer science and architecture) for students who are members of groups underrepresented in such subject fields;

(N) providing career and technical education, in a school or other educational setting, for adults or out-of-school youth to complete secondary school education or upgrade technical skills;

(O) supporting career and technical student organizations, including student preparation for and participation in technical skills competitions aligned with career and technical education program standards and curricula;

(P) making all forms of instructional content widely available, which may include use of open educational resources;

(Q) supporting the integration of arts and design skills, when appropriate, into career and technical education programs and programs of study;

(R) partnering with a qualified intermediary to improve training, the development of public-private partnerships, systems development, capacity-building, and scalability of the delivery of high-quality career and technical education; or

(S) other activities to improve career and technical education programs; and

(6) develop and implement evaluations of the activities carried out with funds under this part, including evaluations necessary to complete the comprehensive needs assessment required under section 134(c) and the local report required under section 113(b)(4)(B).

(c) POOLING FUNDS.—An eligible recipient may pool a portion of funds received under this Act with a portion of funds received under this Act available to one or more eligible recipients to support implementation of programs of study through the activities described in subsection (b)(2).

(d) ADMINISTRATIVE COSTS.—Each eligible recipient receiving funds under this part shall not use more than 5 percent of such funds for costs associated with the administration of activities under this section.

* * * * *

[TITLE II—TECH PREP EDUCATION]

[SEC. 201. [20 U.S.C. 2371] STATE ALLOTMENT AND APPLICATION.]

[(a) IN GENERAL.]—For any fiscal year, the Secretary shall allot the amount made available under section 206 among the States in the same manner as funds are allotted to States under paragraph (2) of section 111(a).

[(b) PAYMENTS TO ELIGIBLE AGENCIES.]—The Secretary shall make a payment in the amount of a State's allotment under subsection (a) to the eligible agency that serves the State and has an application approved under subsection (c).

[(c) STATE APPLICATION.]—Each eligible agency desiring an allotment under this title shall submit, as part of its State plan under section 122, an application that—

[(1) describes how activities under this title will be coordinated, to the extent practicable, with activities described in the State plan submitted under section 122; and

[(2) contains such information as the Secretary may require.

[SEC. 202. [20 U.S.C. 2372] CONSOLIDATION OF FUNDS.]

[(a) IN GENERAL.—An eligible agency receiving an allotment under sections 111 and 201 may choose to consolidate all, or a portion of, funds received under section 201 with funds received under section 111 in order to carry out the activities described in the State plan submitted under section 122.

[(b) NOTIFICATION REQUIREMENT.—Each eligible agency that chooses to consolidate funds under this section shall notify the Secretary, in the State plan submitted under section 122, of the eligible agency's decision to consolidate funds under this section.

[(c) TREATMENT OF CONSOLIDATED FUNDS.—Funds consolidated under this section shall be considered as funds allotted under section 111 and shall be distributed in accordance with section 112.]

[SEC. 203. [20 U.S.C. 2373] TECH PREP PROGRAM.]

[(a) GRANT PROGRAM AUTHORIZED.—

[(1) IN GENERAL.—From amounts made available to each eligible agency under section 201, the eligible agency, in accordance with the provisions of this title, shall award grants, on a competitive basis or on the basis of a formula determined by the eligible agency, for tech prep programs described in subsection (c). The grants shall be awarded to consortia between or among—

[(A) a local educational agency, an intermediate educational agency, educational service agency, or area career and technical education school, serving secondary school students, or a secondary school funded by the Bureau of Indian Affairs; and

[(B)(i) a nonprofit institution of higher education that—

[(I)(aa) offers a 2-year associate degree program or a 2-year certificate program; and

[(bb) is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965, including—

[(AA) an institution receiving assistance under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 et seq.); and

[(BB) a tribally controlled postsecondary career and technical institution; or

[(II) offers a 2-year apprenticeship program that follows secondary education instruction,

[if such nonprofit institution of higher education is not prohibited from receiving assistance under part B of title IV of the Higher Education Act of 1965 pursuant to the provisions of section 435(a)(2) of such Act; or

[(ii) a proprietary institution of higher education that offers a 2-year associate degree program and is qualified as an institution of higher education pursuant to section

102 of the Higher Education Act of 1965, if such proprietary institution of higher education is not subject to a default management plan required by the Secretary.

[(2) SPECIAL RULE.—In addition, a consortium described in paragraph (1) may include 1 or more—

[(A) institutions of higher education that award a baccalaureate degree; and

[(B) employers (including small businesses), business intermediaries, or labor organizations.

[(b) DURATION.—Each consortium receiving a grant under this title shall use amounts provided under the grant to develop and operate a 4- or 6-year tech prep program described in subsection (c).

[(c) CONTENTS OF TECH PREP PROGRAM.—Each tech prep program shall—

[(1) be carried out under an articulation agreement between the participants in the consortium;

[(2) consist of a program of study that—

[(A) combines—

[(i) a minimum of 2 years of secondary education (as determined under State law); with

[(ii)(I) a minimum of 2 years of postsecondary education in a nonduplicative, sequential course of study; or

[(II) an apprenticeship program of not less than 2 years following secondary education instruction; and

[(B) integrates academic and career and technical education instruction, and utilizes work-based and worksite learning experiences where appropriate and available;

[(C) provides technical preparation in a career field, including high skill, high wage, or high demand occupations;

[(D) builds student competence in technical skills and as part of a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965), as appropriate, through applied, contextual, and integrated instruction, in a coherent sequence of courses;

[(E) leads to technical skill proficiency, an industry-recognized credential, a certificate, or a degree, in a specific career field;

[(F) leads to placement in high skill or high wage employment, or to further education; and

[(G) utilizes career and technical education programs of study, to the extent practicable;

[(3) include the development of tech prep programs for secondary education and postsecondary education that—

[(A) meet academic standards developed by the State;

[(B) link secondary schools and 2-year postsecondary institutions, and if possible and practicable, 4-year institutions of higher education, through—

[(i) nonduplicative sequences of courses in career fields;

[(ii) the use of articulation agreements; and

[(iii) the investigation of opportunities for tech prep secondary education students to enroll concur-

rently in secondary education and postsecondary education coursework;

[(C) use, if appropriate and available, work-based or worksite learning experiences in conjunction with business and all aspects of an industry; and

[(D) use educational technology and distance learning, as appropriate, to involve all the participants in the consortium more fully in the development and operation of programs;

[(4) include in-service professional development for teachers, faculty, and administrators that—

[(A) supports effective implementation of tech prep programs;

[(B) supports joint training in the tech prep consortium;

[(C) supports the needs, expectations, and methods of business and all aspects of an industry;

[(D) supports the use of contextual and applied curricula, instruction, and assessment;

[(E) supports the use and application of technology; and

[(F) assists in accessing and utilizing data, information available pursuant to section 118, and information on student achievement, including assessments;

[(5) include professional development programs for counselors designed to enable counselors to more effectively—

[(A) provide information to students regarding tech prep programs;

[(B) support student progress in completing tech prep programs, which may include the use of graduation and career plans;

[(C) provide information on related employment opportunities;

[(D) ensure that students are placed in appropriate employment or further postsecondary education;

[(E) stay current with the needs, expectations, and methods of business and all aspects of an industry; and

[(F) provide comprehensive career guidance and academic counseling to participating students, including special populations;

[(6) provide equal access, to the full range of technical preparation programs (including preapprenticeship programs), to individuals who are members of special populations, including the development of tech prep program services appropriate to the needs of special populations;

[(7) provide for preparatory services that assist participants in tech prep programs; and

[(8) coordinate with activities conducted under title I.

[(d) ADDITIONAL AUTHORIZED ACTIVITIES.—Each tech prep program may—

[(1) provide for the acquisition of tech prep program equipment;

[(2) acquire technical assistance from State or local entities that have designed, established, and operated tech prep

programs that have effectively used educational technology and distance learning in the delivery of curricula and services;

[(3) establish articulation agreements with institutions of higher education, labor organizations, or businesses located inside or outside the State and served by the consortium, especially with regard to using distance learning and educational technology to provide for the delivery of services and programs;

[(4) improve career guidance and academic counseling for participating students through the development and implementation of graduation and career plans; and

[(5) develop curriculum that supports effective transitions between secondary and postsecondary career and technical education programs.

[(e) INDICATORS OF PERFORMANCE AND ACCOUNTABILITY.—

[(1) IN GENERAL.—Each consortium shall establish and report to the eligible agency indicators of performance for each tech prep program for which the consortium receives a grant under this title. The indicators of performance shall include the following:

[(A) The number of secondary education tech prep students and postsecondary education tech prep students served.

[(B) The number and percent of secondary education tech prep students enrolled in the tech prep program who—

[(i) enroll in postsecondary education;

[(ii) enroll in postsecondary education in the same field or major as the secondary education tech prep students were enrolled at the secondary level;

[(iii) complete a State or industry-recognized certification or licensure;

[(iv) successfully complete, as a secondary school student, courses that award postsecondary credit at the secondary level; and

[(v) enroll in remedial mathematics, writing, or reading courses upon entering postsecondary education.

[(C) The number and percent of postsecondary education tech prep students who—

[(i) are placed in a related field of employment not later than 12 months after graduation from the tech prep program;

[(ii) complete a State or industry-recognized certification or licensure;

[(iii) complete a 2-year degree or certificate program within the normal time for completion of such program; and

[(iv) complete a baccalaureate degree program within the normal time for completion of such program.

[(2) NUMBER AND PERCENT.—For purposes of subparagraphs (B) and (C) of paragraph (1), the numbers and percentages shall be determined separately with respect to each clause of each such subparagraph.]

[SEC. 204. [20 U.S.C. 2374] CONSORTIUM APPLICATIONS.

[(a) IN GENERAL.—Each consortium that desires to receive a grant under this title shall submit an application to the eligible agency at such time and in such manner as the eligible agency shall require.

[(b) PLAN.—Each application submitted under this section shall contain a 6-year plan for the development and implementation of tech prep programs under this title, which plan shall be reviewed after the second year of the plan.

[(c) APPROVAL.—The eligible agency shall approve applications under this title based on the potential of the activities described in the application to create an effective tech prep program.

[(d) SPECIAL CONSIDERATION.—The eligible agency, as appropriate, shall give special consideration to applications that—

[(1) provide for effective employment placement activities or the transfer of students to baccalaureate or advanced degree programs;

[(2) are developed in consultation with business, industry, institutions of higher education, and labor organizations;

[(3) address effectively the issues of school dropout prevention and reentry, and the needs of special populations;

[(4) provide education and training in an area or skill, including an emerging technology, in which there is a significant workforce shortage based on the data provided by the eligible entity in the State under section 118;

[(5) demonstrate how tech prep programs will help students meet high academic and employability competencies; and

[(6) demonstrate success in, or provide assurances of, coordination and integration with eligible recipients described in part C of title I.

[(e) PERFORMANCE LEVELS.—

[(1) IN GENERAL.—Each consortium receiving a grant under this title shall enter into an agreement with the eligible agency to meet a minimum level of performance for each of the performance indicators described in sections 113(b) and 203(e).

[(2) RESUBMISSION OF APPLICATION; TERMINATION OF FUNDS.—An eligible agency—

[(A) shall require consortia that do not meet the performance levels described in paragraph (1) for 3 consecutive years to resubmit an application to the eligible agency for a tech prep program grant; and

[(B) may choose to terminate the funding for the tech prep program for a consortium that does not meet the performance levels described in paragraph (1) for 3 consecutive years, including when the grants are made on the basis of a formula determined by the eligible agency.

[(f) EQUITABLE DISTRIBUTION OF ASSISTANCE.—In awarding grants under this title, the eligible agency shall ensure an equitable distribution of assistance between or among urban and rural participants in the consortium.]

[SEC. 205. REPORT.

[Each eligible agency that receives an allotment under this title annually shall prepare and submit to the Secretary a report on the effectiveness of the tech prep programs assisted under this

title, including a description of how grants were awarded within the State.】

[SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

【There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal year 2007 and each of the 5 succeeding fiscal years.】

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TITLE [III]//—GENERAL PROVISIONS

PART A—FEDERAL ADMINISTRATIVE PROVISIONS

SEC. [311]211. FISCAL REQUIREMENTS.

(a) SUPPLEMENT NOT SUPPLANT.—Funds made available under this Act for career and technical education activities shall supplement, and shall not supplant, non-Federal funds expended to carry out career and technical education activities 【and tech prep program activities】.

(b) MAINTENANCE OF EFFORT.—

(1) DETERMINATION.—

【(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no payments shall be made under this Act for any fiscal year to a State for career and technical education programs or tech prep programs unless the Secretary determines that the fiscal effort per student or the aggregate expenditures of such State for career and technical education programs for the fiscal year preceding the fiscal year for which the determination is made, equaled or exceeded such effort or expenditures for career and technical education programs for the second fiscal year preceding the fiscal year for which the determination is made.】

(A) IN GENERAL.—Except as provided in subparagraph (B), (C), or (D), in order for a State to receive its full allotment of funds under this Act for any fiscal year, the Secretary must find that the State’s fiscal effort per student, or the aggregate expenditures of such State, with respect to career and technical education for the preceding fiscal year was not less than the fiscal effort per student, or the aggregate expenditures of such State, for the second preceding fiscal year.

(B) COMPUTATION.—In computing the fiscal effort or aggregate expenditures pursuant to subparagraph (A), the Secretary 【shall exclude capital expenditures, special 1-time project costs, and the cost of pilot programs.】*shall, at the request of the State, exclude competitive or incentive-based programs established by the State, capital expenditures, special one-time project costs, and the cost of pilot programs.*

* * * * *

(D) ESTABLISHING THE STATE BASELINE.—For purposes of applying subparagraph (A) for years which require the

calculation of the State's fiscal effort per student, or aggregate expenditures of such State, with respect to career and technical education for the first full fiscal year following the date of enactment of the Strengthening Career and Technical Education for the 21st Century Act, the State may determine the State's fiscal effort per student, or aggregate expenditures of such State, with respect to career and technical education for such first full fiscal year by—

(i) continuing to use the State's fiscal effort per student, or aggregate expenditures of such State, with respect to career and technical education, as was in effect on the day before the date of enactment of the Strengthening Career and Technical Education for the 21st Century Act; or

(ii) establishing a new level of fiscal effort per student, or aggregate expenditures of such State, with respect to career and technical education, which is not less than 95 percent of the State's fiscal effort per student, or the aggregate expenditures of such State, with respect to career and technical education for the preceding fiscal year.

[(2) **WAIVER.**—The Secretary may waive the requirements of this section, with respect to not more than 5 percent of expenditures by any eligible agency for 1 fiscal year only, on making a determination that such waiver would be equitable due to exceptional or uncontrollable circumstances affecting the ability of the eligible agency to meet such requirements, such as a natural disaster or an unforeseen and precipitous decline in financial resources. No level of funding permitted under such a waiver may be used as the basis for computing the fiscal effort or aggregate expenditures required under this section for years subsequent to the year covered by such waiver. The fiscal effort or aggregate expenditures for the subsequent years shall be computed on the basis of the level of funding that would, but for such waiver, have been required.]

(2) **FAILURE TO MEET.**—

(A) **IN GENERAL.**—*The Secretary shall reduce the amount of a State's allotment of funds under this Act for any fiscal year in the exact proportion by which the State fails to meet the requirement of paragraph (1) by falling below the State's fiscal effort per student or the State's aggregate expenditures (using the measure most favorable to the State), if the State failed to meet such requirement (as determined using the measure most favorable to the State) for 1 or more of the 5 immediately preceding fiscal years.*

(B) **SPECIAL RULE.**—*No such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.*

(3) **WAIVER.**—*The Secretary may waive paragraph (2) due to exceptional or uncontrollable circumstances affecting the ability of the State to meet the requirement of paragraph (1) such as a natural disaster or an unforeseen and precipitous decline in financial resources. No level of funding permitted under such a waiver may be used as the basis for computing the fiscal effort or aggregate expenditures required under this section for*

years subsequent to the year covered by such waiver. The fiscal effort or aggregate expenditures for the subsequent years shall be computed on the basis of the level of funding that would, but for such waiver, have been required.

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SEC. [3121]212. AUTHORITY TO MAKE PAYMENTS.

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SEC. [313]213. CONSTRUCTION.

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SEC. [314]214. VOLUNTARY SELECTION AND PARTICIPATION.

No funds made available under this Act shall be used—

(1) to require any secondary school student to choose or pursue a specific [career path or major]*career pathway or program of study*; or

* * * * *

SEC. [315]215. LIMITATION FOR CERTAIN STUDENTS.

No funds received under this Act may be used to provide [career and technical education programs]*or programs of study* to students prior to the [seventh grade]*the middle grades (as such term is defined in section 8101 of the Elementary and Secondary Education Act of 1965)*, except that equipment and facilities purchased with funds under this Act may be used by such students.

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SEC. [316]216. FEDERAL LAWS GUARANTEEING CIVIL RIGHTS.

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SEC. [317]217. PARTICIPATION OF PRIVATE SCHOOL PERSONNEL AND CHILDREN.

(a) PERSONNEL.—* * *

(b) STUDENT PARTICIPATION.—

(1) STUDENT PARTICIPATION.—Except as prohibited by State or local law, an eligible recipient may, upon written request, use funds made available under this Act to provide for the meaningful participation, in career and technical education programs activities, *including programs of study* receiving funding under this Act, of secondary school students attending nonprofit private schools [who reside in the geographical area served by]*in areas served by* the eligible recipient.

(2) CONSULTATION.—An eligible recipient shall consult, upon written request, in a timely and meaningful manner with representatives of nonprofit private schools in [the geographical area]*areas served by the eligible recipient described in paragraph (1) regarding the meaningful participation, in career and technical education programs and activities, including programs of study* receiving funding under this Act, of secondary school students attending nonprofit private schools.

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SEC. [318]218. LIMITATION ON FEDERAL REGULATIONS.

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SEC. 219. STUDY ON PROGRAMS OF STUDY ALIGNED TO HIGH-SKILL, HIGH-WAGE OCCUPATIONS.

(a) *SCOPE OF STUDY.*—The Comptroller General of the United States shall conduct a study to evaluate—

(1) the strategies, components, policies, and practices used by eligible agencies or eligible recipients receiving funding under this Act to successfully assist—

(A) all students in pursuing and completing programs of study aligned to high-skill, high-wage occupations; and

(B) any special population or specific subgroup of students identified in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965 in pursuing and completing programs of study aligned to high-skill, high-wage occupations in fields in which such special population or subgroup is underrepresented; and

(2) any challenges associated with replication of such strategies, components, policies, and practices.

(b) *CONSULTATION.*—In carrying out the study conducted under subsection (a), the Comptroller General of the United States shall consult with a geographically diverse (including urban, suburban, and rural) representation of—

(1) students and parents;

(2) eligible agencies and eligible recipients;

(3) teachers, faculty, specialized instructional support personnel, and paraprofessionals, including those with expertise in preparing career and technical education students for non-traditional fields;

(4) Indian Tribes and Tribal organizations;

(5) special populations; and

(6) representatives of business and industry.

(c) *SUBMISSION.*—Upon completion, the Comptroller General of the United States shall submit the study conducted under subsection (a) to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

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PART B—STATE ADMINISTRATIVE PROVISIONS

SEC. [321]221. JOINT FUNDING.

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SEC. [322]222. PROHIBITION ON USE OF FUNDS TO INDUCE OUT-OF-STATE RELOCATION OF BUSINESSES.

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SEC. [323]223. STATE ADMINISTRATIVE COSTS.

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SEC. [324]224. STUDENT ASSISTANCE AND OTHER FEDERAL PROGRAMS.

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CONFORMING AMENDMENT

SEC. 8. PROHIBITIONS.

(a) LOCAL CONTROL.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school’s curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act, except as required under sections 112(b), ~~311(b)~~, and ~~323~~~~211(b)~~, and 223.

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TITLE III—WAGNER-PEYSER ACT

[The Act of June 6, 1933, as Amended]

[As Amended Through P.L. 115–224, Enacted July 31, 2018]

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SECTION 1. In order to promote the establishment and maintenance of a national system of public employment service offices, the United States Employment Service shall be established and maintained within the Department of Labor.

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SEC. 15. WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.

(a) SYSTEM CONTENT.—

(1) IN GENERAL.—The Secretary, in accordance with the provisions of this section, shall oversee the development, maintenance, and continuous improvement of a nationwide workforce and labor market information system that includes—

(A) * * *

* * * * *

(e) STATE RESPONSIBILITIES.—

(1) DESIGNATION OF STATE AGENCY.—* * *

* * * * *

(2) DUTIES.—In order to receive Federal financial assistance under this section, the State agency shall—

(A) * * *

[(B)³ consult with State educational agencies and local educational agencies concerning the provision of workforce and labor market information in order to meet the needs of secondary school and postsecondary school students who seek such information;]

(B) consult with eligible agencies (defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)), State educational agencies, and local educational agencies concerning the provision of workforce and labor market information in order to—

³ For version of law for section 15(e)(2)(B), as amended by section 301(1) of Public Law 115–224, see note below.】

(i) *meet the needs of secondary school and postsecondary school students who seek such information; and*
 (ii) *annually inform the development and implementation of programs of study defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302), and career pathways;*

* * * * *

(G) actively seek the participation of other State and local agencies in data collection, analysis, and dissemination activities in order to ensure complementarity, compatibility, and usefulness of data; **[and]**

(H) utilize the quarterly records described in section 116(i)(2) of the Workforce Innovation and Opportunity Act to assist the State and other States in measuring State progress on State performance measures~~...~~; **and**

(I) *provide, on an annual and timely basis to each eligible agency (defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)), the data and information described in subparagraphs (A) and (B) of subsection (a)(1).*

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